

This City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, February 8, 2016, at 5:20 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Jennifer Roberts presiding. Councilmembers present were Al Austin, John Autry, Ed Driggs, Julie Eiselt, Claire Fallon, Patsy Kinsey, Vi Lyles, LaWana Mayfield, Greg Phipps, and Kenny Smith.

**ABSENT UNTIL NOTED:** Councilmember James Mitchell

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#### **ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS**

**Chief Financial Officer Randy Harrington** said I just want to let Mayor and Council know that I think I have answered most of the consent questions, but I have one from Councilmember Fallon. I will follow up on that and come back to you in just a little bit.

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#### **ITEM NO. 2: NON-DISCRIMINATION ORDINANCE**

**City Attorney Bob Hagemann** said I am going to run through a PowerPoint here. This is very similar, to those of you who were on Council last year, to what you heard last spring. I have enhanced it a little bit to deal with some legal questions or legal issues that have been raised by members of the community. So, here is an outline of my presentation that I am going to go through quickly, the history of non-discrimination regulations starting in this country and then in Charlotte specifically. I will describe the proposed amendments. I will discuss four separate legal issues that have been raised. One, enabling legislations, does the City have sufficient authority to adopt this kind of an ordinance, a First Amendment issue that is around religious beliefs, a North Carolina constitutional provision that limits local acts on certain subjects, and finally an issue raised under the state building code. I will conclude by going through a couple of criminal law ordinances that are on the books right now. State laws that are currently enforceable and will in the future be enforceable as well.

In 1964, Congress passed landmark legislation to The Civil Rights Act of 1964. It covered a whole host of topics. One of which is Title II, which dealt with public accommodations. Public accommodation is a business that holds itself out to sell goods or provide services to the general public and what Congress did in 1964 is it prohibited discrimination by public accommodations involved in interstate commerce based on race, color, religion and national origin. Federal laws have subsequently expanded and public accommodation protections exist now for age and disability as well. There is no federal statute or, for that matter, state statute in North Carolina that provides protection against discrimination based on sexual orientation, gender identity, or gender expression.

Now Charlotte's story, in 1968, four years after the federal law, the city Council passed its first non-discrimination ordinance. It pretty closely replicated the federal law. It prohibited discrimination by public accommodations based on race, color, religion, and national origin. The specific language is that it is unlawful to deny any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations because of one of those four characteristics. In 1972, the City Council added the word "sex" to that list of four characteristics. In 1985, as part of a complete recodification of the city code there were some amendments put into the public accommodation non-discrimination ordinance. Specifically, "sex" was carved out for specific treatment. We have been unable to find any clear evidence of what the thinking was behind that. I have had a conversation with a gentleman who was a city attorney at the time. He seems to recall that it was recommended to us by the code codifier as the then best practice. He believes it was an outgrowth of the nationwide debate of the Equal Rights amendment that did not pass. Some concerns that by having "sex" just listed with the other

characteristics, it would make illegal separate bathrooms for men and women. In 1992, there was a proposal before the Council to add sexual orientation to the protected characteristics. That proposal failed.

Finally, enforcement of the public accommodation non-discrimination provision enforcement under North Carolina law of the local ordinance can be prosecuted criminally as a misdemeanor, a class three misdemeanor. It carries a punishment of a fine of not more than \$500 and imprisonment of not more than 30 days, but prison is not an option, unless the individual convicted has been previously convicted of at least three prior offenses. Finally, local ordinances can be enforced through an injunction, meaning the city can go to court and obtain, or seek to obtain, a court order directing the offending individual or business to comply with the law. Then, if the compliance is not achieved after that, contempt of court is a remedy.

Let me move to the second ordinance that is on the books right now. It is also part of the action that Council took in 1968. That is the creation of the Community Relations Committee. Its duties are to make recommendations regarding the elimination or reduction of discrimination and also to approve plans to eliminate and reduce discrimination. They also run what we call the conciliation process. When a complaint comes in, a violation of one of these ordinances, the CRC convenes a conciliation process which is a form of mediation to try to achieve compliance and satisfy both the complaining individual and the business or individual that a complaint has been filed against. That process, I understand, has been really successful over the years. In fact, I do not believe we have gone to court or sought criminal prosecution under the non-discrimination ordinance since ever.

Third ordinance is the Passenger Vehicle for Hire ordinance. This is the city regulation of the taxi cab industry. It has within that ordinance a prohibition on discrimination based on race, color, national origin, and religion. That ordinance is enforceable through the issuance of civil penalties and a possible revocation of operating certificates and permits. To my knowledge, we have not had to enforce the non-discrimination provision of that ordinance in my memory.

Finally, in 2003, as part of an outgrowth of a lawsuit that challenged the constitutionality of the City's then SBE contracting program. The City Council adopted a commercial non-discrimination ordinance. That ordinance prohibits city contractors from discriminating against their vendors, suppliers, sub-contractors, or commercial customers based on race, color, national origin, religion. I believe age and disability are in that list as well. That ordinance is enforceable through the suspension or termination of a contract and/or debarment of a contractor for up to two years. That is a prohibition on doing business with the city as a city contractor for up to two years. My understanding is that we have not had the need to enforce that ordinance by bringing in an enforcement action.

So, those are the ordinances that are on the books right now: Public accommodation, Passenger Vehicle for Hire, Commercial non-discrimination, and then the work of the Community Relations Committee. The proposed ordinance is the same currently as what was before you last year. It is a very, very simple draft, from a drafting stand point. It inserts five new proposed characteristics: marital status, familial status, sexual orientation, gender identity, and gender expression. It just plops those phrases into the Passenger Vehicle for Hire ordinance and commercial non-discrimination ordinances. The Public Accommodation ordinance has a little bit more to it. You recall, I mentioned that in 1985, the carve out for sex for separate treatment. The proposal would eliminate that approach, bring sex back into the list of characteristics like it was in 1972, and then add these five new characteristics that would if the Council does proceed with this, would enjoy protection against discrimination.

So, last Monday, Mayor and Council you received a letter from Representative Dan Bishop, who is a lawyer, a very good lawyer. Representative Bishop contends that you lack the authority to adopt these ordinances for a couple of reasons. One, he contended that it is not within your

ordinance making power. On Friday of last week I delivered to you a memo and opinion from my office that addressed this issue and three others that I am going to cover right now relatively briefly. So, North Carolina law grants cities in North Carolina the power to adopt what we call police power ordinances. The primary statute is General Statute 160A-174. It provides in part that the city may by ordinance regulate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city. It's a pretty sweeping legal phrase and a pretty broad grant of authority to cities across the state. That is one of the statutes that we point to that we believe gives the Council the authority to adopt these kinds of regulations.

The second ordinance is a little bit more targeted. It is General Statute 160A-194. It is entitled Regulating and Licensing Businesses, Trades, Etc. I have quoted here, "A city may by ordinance, subject to the general law of the State, regulate and license occupations, businesses, trades, professions, and forms of amusement, or entertainment." So, in the face of these two statutes, Representative Bishop contends that the city lacks authority. We have researched this more thoroughly and have provided you with a memorandum a series of cases, that I am not going to go through here, but this is a quote from a Supreme Court case dating back to 1967 that we think is pretty illuminating. It is an Illinois case, there is no case law of North Carolina that analyzes the question of whether cities have the power to pass non-discrimination ordinances under the statutes I cited. This passage, along with a number of others that we cited from other courts in the country, I believe are pretty telling. The United States Supreme Court and the courts of other states have held that the municipality's power to regulate a particular business includes the power to prohibit discrimination in that business on the basis of color, race, or religion. We listed four or five or maybe six cases from around the country that all concluded that power to prohibit discrimination is within the grant of the police power to local government.

Now, Representative Bishop specifically identified two cases, two North Carolina Supreme Court cases, that he contends support his view. The first one is *Williams v. Blue Cross Blue Shield of North Carolina*. The bulk of that opinion and the issue in the case deals with another issue I am going to get to in a minute. That's the local act question. Orange County had gone to the legislature and obtained legislation that only authorized Orange County to adopt its own comprehensive set of non-discrimination regulations scanning a pretty broad spectrum: employment, housing, and public accommodations, and also to include within itself of regulations various enforcement mechanisms. Specifically, they were given the power to authorize citizens to issue subpoenas and to authorize citizens to file a law suit against another individual or business, what I call a private cause of action. I am going to come back to that in a little bit. What the court found was, and I will talk about this in a second, the court found that was an unconstitutional local act of legislature. The legislature can't give one county or one city those kinds of powers because of a local act prohibition in the State constitution. What the County then did was to argue in the alternative. We contend as the County that we have the authority under the county statutory counterpart to 160A-174. That is the legislative grant of the police power to counties in the county statute chapter; the court pointing only at the fact that the ordinance included the right of citizens to issues subpoenas and to file their own lawsuits. The court said that those provisions, and therefore the ordinance, were beyond the grant of power from the legislature. Now, some of you may recall a couple of years ago when we were being asked to consider amendments to the Citizen Review Board. The proponents of that were asking that you give the boards subpoena power. I advised you that you did not have that authority.

The City Council does not have that authority to give other individuals or entities power to issue subpoenas, and that only the legislature could do that or authorize the city to do that and they had not authorized us to do that. That is directly in line with the part of the holding in the *Williams* case. The second recent example that you may recall is when we were considering the request that the Council adopt a Civil Liberties ordinance. The proposal that was presented to Council would have created a private cause of action. It would have allowed critics to sue others in a

civil lawsuit for violations of the proposed ordinances. I advised Mayor and Council at that time that in my opinion you did not have the authority do that and that was because of the Williams case, which said that the general grant of the police power is not broad enough to give cities and counties the authority to authorize others to issue subpoenas or to create private causes of action. Significantly though, nothing in the discussion in the William's calls into or question or even discusses whether or not the substantive provisions of the ordinances the non-discrimination prohibitions were not authorized. So, in my opinion, contrary to Representative Bishops, I do not believe that Williams speaks to the question before you.

The second is the case of King v. the Town of Chapel Hill, which many of you are familiar with because we had to make amendments to our towing ordinance in response to that State Supreme Court decision. The question was whether or not the grant of police power was broad enough to enable Chapel Hill and Charlotte to pass an ordinance regulating non-consensual tows. The court sort of split on that issue; they said that the grant was broad enough to authorize the requirement that private property, where non-consensual tows may occur, that the legislation was broad enough to authorize the requirement that the business and property owner post signs and give notice. The court said, yes, that the police power is broad enough to support that ordinance. Turning though to other regulations that set fee caps; the court cited some language from earlier decisions about ones right to the fruits of one's labor. The court could not find a justifiable rational to cap the fees and therefore struck that as not being authorize by the general police power. But it was very, very limited to the capping of fees that a private business would charge another individual and fee restrictions are not part of the existing ordinances or the proposal that is before you. So, again, like in Williams, I don't believe that the King case is controlling and based on pretty uniform law across the country that the police power is sufficient to justify or to authorize non-discrimination ordinances. In my opinion, you have the authority. The last point I will make is one that Mr. Bishop and I absolutely agree on. He and I discussed this; if you lack the authority today to pass provisions prohibiting discrimination against the characteristics we discussed, the City Council lacked authority in 1968 to prohibit discrimination backed on race, color, and religion and in 1972 based on sex. I believe Representative Bishop and I are in agreement that logically if cities lack the authority now they lacked the authority then.

So, turning to the religious issue, this is a compressed version of a fuller quote that is included in the memo. This is from a 1990 U.S. Supreme Court opinion, and this is Justice Scalia writing here. This is in response to an argument that one's First Amendment rights, freedom of religious rights, ought to enable an individual, or as we will see in a second, a closely held business to not have to comply with the law if compliance is counter to their sincerely held religious beliefs. In the quote here, "We have never held that an individual's religious beliefs excuse him from compliance with an otherwise valid law prohibiting conduct that the State is free to regulate. Can a man excuse his practices to the contrary because of his religious belief? To permit this would be to make the professed doctrines of religious belief superior to the law of the land, and in effect to permit ever citizen to become a law unto himself." In other words, if this principal was recognized by our courts, any individual could assert their personal religious beliefs as an excuse not to comply with the law. I think that leads to this statement at the end, "permit every citizen to become a law unto himself." This case involved a group whose religious practice involves sacramental use of peyote, a hallucinogenic drug out of Oregon, and they were terminated and were denied unemployment benefits. They claimed that was a violation of their religious rights and the court said no, you do not have that Constitutional right to be exempt from laws of general applicability. That said, there are statutes, a federal statute and statutes in a number of states that do provide a higher standard of scrutiny, statutory protection, and they are typically described as Religious Freedom Restoration Acts, and this is a quote from the federal law. Government shall not substantially burden the free exercise of religion in furtherance of a compelling governmental, unless, in furtherance of a compelling governmental interest and if it is the least restrictive means..." That two part test compelling government interest and least restrictive means is a principle that is recognized in some constitutional law and some statutory

schemes and its strict scrutiny. It requires the government to get over a pretty high hurdle in order to justify the application of a regulation if it burdens ones sincerely held religious beliefs. That statute was a statute in play in the Hobby Lobby case that got a lot of national publicity. The biggest and most interesting issue, to me anyway, in the issue in the Hobby Lobby case is that the court held that protection applies not just to individuals but to closely held businesses. The case did go on and look at a provision from the Affordable Healthcare Act dealing with mandatory contraceptive provisions, insurance provisions, and the courts said that Hobby Lobby, based on its sincerely held religious beliefs, did not have to comply with that statutory requirement.

Last spring bills were introduced in the House and the Senate in North Carolina, House 348 and Senate 550 that pretty closely replicates the federal law. The federal law by the way has been held by the courts only to apply to the federal government. The Federal Religious Freedom Restoration Act is not a limitation or restriction on the state of North Carolina, or municipalities, or counties in a state. Those two bills would have created, in fact, a state law very similar to the federal law. They did not move out of committee. You may recall also last spring Indiana passed a law like this that got a significant amount of attention in publicity when a number of businesses objected to that law in Indiana. There are a number of states that have these laws. North Carolina does not currently. The Unconstitutional Local Act provision, I addressed this with you last year, and this is the provision that I was mentioning in the Williams case the Orange County case. This is a quote from the North Carolina Constitution, "The General Assembly shall not enact any local, private, or special act or resolution." Then it goes on to list a whole bunch of subjects. One of which is, for example, granting divorces. Way back when, the legislature would actually grant divorces. I think it was in the teens, 19-teens, the constitution was amended to put a whole bunch of topics out of play for local acts, and what this means is the legislature can still authorize but they have to do it by general law. Generally that applies across the entire state. The reason why this is not an impediment to the ordinance before you is there is no local act, unlike Orange County that authorizes you to act in this area. We are acting, in my opinion, under general grants of authority to cities and counties. 160A, 174, and 194, interestingly I had conversation on this subject with Representative Bishop back in December and when we began our dialog he was pretty firm in his belief that this was an impediment. When we finished our conversation he agreed with me that it is not. So, he has abandoned this argument, and I do not believe it is an impediment against your ability to adopt an ordinance.

Finally, Representative Bishop did raise issues under the building code. There are building code requirements based on a variety of criteria: the type, the use of the building, the size of it, the square footage, that certain number of restroom facilities have to be included, and it is very clear in the building code that once you cross a certain threshold that buildings have to have both men's and women's rooms. Building code requires signage designating the sex of the restroom. Representative Bishop contends that we are preempted from passing building code regulations. He is right. We are preempted from passing building code regulations. I do not believe that the building code serves to occupy the field, which is the phrase that we use when talking about preemption. It does not occupy the field of discrimination laws or non-discrimination laws and the passage used dealing with use and occupancy in this statute is stated here: building codes "may include reasonable and suitable classifications of buildings and structures, both as to use and occupancy..." My interpretation of that provision means that the building code can recognize that the code can vary based on the building use and occupancy. For example, you may not have the same restroom requirements in a warehouse than you would in a restaurant. That would be a code requirement that varies as to use in occupancy, but it is not in my opinion a statement of legislative intent for cities intending to preempt cities from adopting non-discrimination ordinances.

Finally, I am just about finished. As you will hear from Willie in a second, this proposal has gotten a lot of attention surrounding its effect on the use of restroom. This is not just a restroom

proposal, with that being said, for those who have expressed legitimate concerns about safety in restrooms, I did want to bring forth that there are two statutes that are on the books today, state laws, criminal laws. One is the indecent exposure statute. Any person who shall willfully expose the private parts of his or her person in any public place, and that includes a restroom in a public accommodation and in the presence of another person or persons, except for those places designated for a particular purpose where the same sex exposure is incidental to a permitted activity, has committed a crime. In that, incidental activity is the fact that there are men in the men's rooms, and the incidental exposure of one's private parts in that context is not a crime, but if a man were to go into the woman's restroom and expose their private parts today, tomorrow, whenever, that is indecent exposure and is illegal.

Finally, we didn't discuss this last year. Through conversations I had with the police attorney, right now under North Carolina law, I think the second degree trespass statute is potentially available to prosecute somebody. A man who goes in the woman's restroom and the business owner says, you do not have permission to be here and asks them to leave if they refuse to do so that could rise to the level of second degree trespass. So, I am going to conclude by saying that my intent here was to provide you with the history of Civil Rights legislation involving public accommodations in Charlotte and our other ordinances to explain the current state of affairs with regard to our ordinances and then to explain the changes that are before you. Obviously, the policy question of whether to proceed or not in form will rest with you as the governing body. I will stop and take questions unless Willie wants to pick up from here.

**Councilmember Smith** said Bob, on indecent exposure, so if this ordinance passes and we are saying if you think you are a woman, you are now a woman, and we allow you to go into the restroom or shower facility? Under that, guys, how can you then come back and enforce indecent exposure? That seems to be counter intuitive.

Mr. Hagemann said the states laws are preeminent to city ordinances. They are paramount. They take precedent. We can't change a state law. We can't excuse compliance with state laws. If under your hypothetical a transgender female, someone who is biologically male or was a birth, chooses based on identity and/or expression to use the women's restroom, under the ordinance the business could not stop them from doing that. That would be discrimination. However, if that individual has not had surgery and while in the women's restroom exposes the private parts that would be indecent exposure.

**Mayor Roberts** said that is with or without the ordinance that is correct?

Mr. Hagemann said with or without the ordinance, but even with the ordinance does not give a biological male the legal right to expose themselves to a female in a public place because of this statute it makes it a crime.

Mr. Smith said does Illinois have an indecent exposure law?

Mr. Hagemann said my guess is yes, but I do not know specifically. I could find out for you.

Mr. Smith said yeah because I am just looking at some cases where transgenders are showering in public schools around the country and just trying to figure out how all of that reconciles with our state law.

**Councilmember Driggs** said I was wondering, you mentioned the Civil Rights Act of 1964 and the protections that it affords. What is the history of the deliberation of Washington and adding these other protections to those? I mean our federal law does not include what we are contemplating here. So what is going on there?

Mr. Hagemann said I certainly can't speak to what efforts have been made, but you are correct. There is no federal law today that provides protections like the 64' Act did based on race, color, national origin, and religion. There is no federal protection for sexual orientation, gender

identity, or gender expression. I will say that there has been, in the last several years, some evolving interpretation of the extent of the protection based on sex. The issue is not clearly settled by the courts yet, but there are administrative guidelines and executive opinions that are trying to or seeming to expand the meaning of the word sex, not to cover sexual orientation, but to cover gender identity and gender expression. In particular, HUD has been our forefront on that in terms of housing protection, housing discrimination.

Mr. Driggs said is there a legal basis that the determination of how this should work would be different at the federal level than for any local jurisdiction?

Mr. Hagemann said one more time.

Mr. Driggs said is there a legal basis for the final disposition on these matters? We are trying to resolve an issue as to whether rights exist or do not exist. So, is there a legal basis that we might reach a different conclusion from the federal government or other jurisdictions?

Mr. Hagemann said I would say that you are certainly free to reach a different policy decision while acting within the scope of your authority.

Mr. Driggs well that is us, but I am saying, legally, is there an argument that says it is legally appropriate that a different conclusion would be reached, say for us locally than for the national government.

Mr. Hagemann said absolutely, there are all kinds of laws at the state and local level that create rights and protect rights above and beyond what the federal government has done. So, there is no legal principal that would say that the fact, if this is your question, and I am not sure that it is. If it is, there is no legal principal that says because the federal government has, to this point, chosen not to provide protection that does not mean that states and local governments cannot.

Mr. Driggs said right, I was not trying to make that inference, but I am just noting the fact that it seems to me that the issues we are talking about are universal in nature. We are talking about United States constitutional rights, for example, discrimination, Civil Rights, and I just wondered whether there was a barrier there that said you had to conform, and you are saying there isn't.

Mr. Hagemann said there is not.

**Community Relations Director Willie Ratchford** said I want to speak briefly regarding some research that we have done over the past couple of days and research that we will continue in the following weeks. We want to get as much information on this as possible, for you the members of Council before you move forward with the proposed non-discrimination ordinance.

Before I share that information, I just want to reiterate some things that the City Attorney has said. The first is that over the past couple weeks I have heard several news outlets and many people in the community refer to this as the bathroom ordinance. This is not the bathroom ordinance. There is no bathroom ordinance. There is a non-discrimination ordinance, as I understand it. The proposed non-discrimination ordinance is not a bathroom ordinance. It is about preventing discrimination in the delivery of goods and services to all people in this community including people of the LGBT community. As the City Attorney had mentioned a few minutes ago, and not to be redundant, at some point you all are going to vote on this, and if you approve it the only thing that it means is that simply it is unlawful to deny any person the full and equal enjoyment of the goods, privileges, facilities, advantages and accommodations because of their protected status under the ordinance. That is all that is meant. It is not a bathroom ordinance; it is the non-discrimination ordinance.

What we have done over the past couple of days, the city staff working with Sarah Hazelman and some others, have contacted some cities that have recently updated their ordinances to include gender identity, gender expression, and sexual orientation as a protected status.

Mr. Driggs said you are emphasizing the fact that it is not a bathroom ordinance. I really want to point out, we had the opportunity to pass exactly the same ordinance without the bathrooms once, and it could have passed except that a couple of people did not want it to pass without the bathrooms. So, I think it is understandable if in the minds of a lot of people in the public that this has become about the bathrooms. The rest of it I think would have passed last time.

**Councilmember Mayfield** said I would encourage us to, if we can, to write our comments down so that we can get to the full presentation. Just as we listen to the full last presentation and not get caught up in trying to nit-pick the language. It was already stated by the City Attorney what exactly the ordinance is. It is being reiterated. I think it would be much more helpful to just get through the full presentation if possible.

Mr. Ratchford said thank you both for that. I just want to reiterate that the whole point here is that some in the community have renamed it the bathroom ordinance, and that is the only point here. It is not the bathroom ordinance. It is the non-discrimination ordinance. It is the only point I am trying to make here. As I was saying, we have made contact with 15 cities across the country that has recently updated their public accommodation ordinances. We wanted to see what, if anything, happened after those ordinances were actually updated, especially as it relates to the bathroom. We wanted to get some sense of reports of incidents, specific to the public accommodation provisions of those updated ordinances including bathrooms and the 15 cities that we have actually contacted and we have only heard back from six. As I indicated earlier, we will continue to make contact with the other nine because we want to get that information to you. They include: Atlanta, Georgia; Kansas City, Missouri; Orlando, Florida; San Antonio, Texas; Pittsburg, Pennsylvania; Columbus, Ohio; Indianapolis, Detroit, Denver, St. Louis, Louisville, Cleveland, Cincinnati, Dallas, and Phoenix.

When we asked the question of what had happened after you updated your ordinance to include these additional protections, we wanted to get some sense to whether people were unsafe in bathrooms. What we have heard so far from the six that we have talked to is, for instance, Atlanta updated its ordinances in 2013. They do not report any incidences of people being attacked in the bathroom or heterosexual males dressing as females for the purpose of going into a bathroom to either video tape women or to attack women. That has not happened since 2013 in Atlanta, Georgia since they updated that law. Kansas City updated their law in 2008, and similarly they do not report any incidents. Orlando, Florida updated its ordinances in 2014, and similarly they do not report and intendants. San Antonio, Texas updated its ordinances in 2013, and they do not report and incidents. Pittsburg, Pennsylvania updated its ordinances in 2014, and they too do not report any incidents. Columbus, Ohio updated its ordinance in 2008, and since 2008 they have not reported and incidents either.

So, the point here is that we certainly have a right to be concerned about the safety of women and children no matter where they go, including bathrooms and other places of public accommodation. We want you all to be in a position to make in an informed decision whenever you are voting. The information we have gotten so far, with regards to jurisdictions that have actually expanded their protections under the public accommodations ordinances, does not indicate that some of the concerns that we may have, I have, actually happened where the ordinances have been updated.

So, I am going to ask Dianne English to come up. You all will recall that on last Monday, February the 1<sup>st</sup>, that the Community Relations Committee and CBI actually had a community forum which allowed people who may be on different sides of this issue to actually have face to face conversations with each other. She wants to report on that and then we will answer any questions that you might have.

Mayor Roberts said Mr. Ratchford really quickly, all of these cities listed here have ordinances, is that correct?

Mr. Ratchford said all of these cities have ordinances that have been updated to include gender expression, gender identity and sexual orientation as protected status.

**Dianne English, Community Building Initiative** said as Willie mentioned a week ago tonight we were preparing for our talk about the non-discrimination ordinance. What's at stake? We were at the Palmer Building on Seventh Street waiting for approximately 250 people to arrive. In truth, the protesters arrived early, as did some members of the LGBT community, but that was just one thread in the continuum of anxiety that ran through the planning for this event. Of course, if we had known at the beginning of our planning that at the end of Monday's event we would be looking out at an audience of over 275 people, most of whom were sitting knee to knee in self-organized circles of chairs talking to each other, we would have been far less anxious. The anxiety before the event ran the gamut. Within the LGBT community it focused on issues of safety or what was the point of sitting down with people we do not trust, or within the Anti-Ordinance community around the belief that a decision had already been made or that the use of actors instead of real people was hokey.

In truth, on the day of the actual event, the anxiety was mostly ours. Would we have enough chairs? Could we handle the registration snafu? What if people were overtly disrespectful? We had designed the evening around a few key decisions. We would provide information about facts related to the ordinance, thanks to Bob. There would be no open mic, which meant we would take no questions or statements from the audience. We would use XOXO Performance Ensemble to present four perspectives on the ordinance, two for and two against to set the stage for conversation. We would break people up into groups to talk about their personal reactions and feelings. We would not call attention to elected officials in the audience, so as to depoliticize the focus of the evening. We would have a visible police presence and that we would have four single occupancy bathrooms. There are things that we would do somewhat differently if we did this event again, but we would not change any of the decisions that we made that were mentioned above. In terms of the anxiety continuum following last Monday evening, it has come primarily from folks with deep seeded and anti-ordinance perspectives. Willie especially has worked to respond to those he has heard from. One thing for sure, in all of the years that CRC and CBI have been doing Can We Talk dialogs, this is one about which no one can tell us that we were preaching to the choir. Many choirs perhaps, but not one choir. We had members of our community from all perspectives and walks of life in a single space for a period of time. Although we have no idea if minds or hearts were changed, we know that there were encounters and connections made within and between the communities represented in the room. For us and hopefully for you, that is one good and promising step.

**Councilmember Autry** said Willie, under the current non-discrimination ordinance have we had any cases or complains about the current ordinance, not adding LGBT to the protective classes.

Mr. Ratchford said we get about four or five complains a year in which folk pledge that they have been discriminated against in terms of access to places of public accommodations. Usually it is a shopping store or a movie theater or a restaurant. We usually resolve those within a few days simply by getting the two parties to sit down and come to a meeting of the minds. Very often we find that there is some misunderstanding about what actually occurred, until the two people get an opportunity get to sit down and have that conversation.

**Councilmember Austin** said I guess this question is really directed towards City Manager Ron. We have city owned properties that we have designated are very inclusive. Have we had any incidents in Time Warner Arena where we have any issues with predators or anything as a result of us just being very inclusive? It goes through kind of the whole list of issues that might come up as a result of us passing a non-discrimination ordinance. Can you speak to that?

**City Manager Ron Carlee** said no sir, we have not identified those, when this was considered by Council last year I reached out to our own building management staff as well as staff at

CRVA and Time Warner. As you know, we have a non-discrimination policy, and administration policies with regard to employment within the City of Charlotte, and we do have members of the LGBT community who are employees of the City of Charlotte, who of course use restrooms in the normal nature of their employment here. The only issues that have ever come to me, relative to our restroom, occurred the night of the City Council's consideration of this ordinance last year when there was clearly some intentionality with regard to causing instance in a restroom.

Mr. Austin said Willie and Dianne, great job. You did a great job with that forum, I was very impressed. The conversation was lively. It gave people an opportunity to really have some dialog in that room so thank you again for your hard work.

Mr. Smith said I have two questions. First question is you said we have four or five cases, roughly, a year under the existing non-discrimination ordinance. How many cases do we have reported to us for the groups that are looking to be included into this anti-discrimination ordinance on an annual basis?

Mr. Ratchford said I am not sure that I understand your question.

Mr. Smith said we are saying that by looking to rewrite the anti-discrimination act classes, we are either suggesting that there's discrimination or the perception of discrimination. I am trying to figure out how much discrimination may actually occur. So, I know that we track complaints. How many complains do we get on an annual basis from the groups that are looking to be added to the anti-discrimination.

Mr. Ratchford said we will get calls from a group that may allege that they are victims of discrimination based upon sexual orientation; however, we have no legal authority to provide redress for those complaints. So, we actually don't track them, but we get probably a dozen of complains a year in which folks are alleging that they are being victims, of say, Fair Housing discrimination, or discrimination as far as access to a place of public accommodation. Again, we obviously don't have the legal authority to provide redress for those particular complaints.

Mr. Smith said what data exists to suggest, we are talking about incidences that have been reported after discrimination ordinances have been passed in these other areas. What data do we have to suggest that this makes folks any safer in the transgender community? How many reports of violence, this something I guess that CMPD would track, how many reports of violence do we have on an annual basis against the transgender community as it stands today with regards to the bathrooms.

Mr. Ratchford said I don't have any data which supports or disputes that, but I will be more than happy to check with the police department to see if the may have statistics on that particular category.

Mr. Smith said I just think as we are looking to shape policy that will impact a very large segment of society. I think that it is worth noting what data exists to suggest that there is a pervasive problem on the safety front.

Mr. Ratchford said absolutely, I would totally agree with that.

Mayor Roberts said well, I want to add that we do have the LGBT Business Chamber and some other folks who have compiled a survey of a list of incidents. I think there are over 150, and I can make sure that all of the Council gets a copy of that because there were some of the things that happened, for example, a couple was denied three different times to try to get a hotel room.

Mr. Smith said I want to see the data.

Mayor Roberts said absolutely.

Mr. Smith said I would love to see the when, the where, and who the hotels were.

Mayor Roberts said we will make sure we get that information to you. I will make sure that is given to all the Council.

**Councilmember Eiselt** said have you been in communication with the schools and how are they dealing with this? I know that CMS, both public and private schools have students that are transgender and the families have had to work with the schools, so, how are the schools dealing with it?

Mr. Ratchford said I do not have information on the specifics with regards to how the schools are handling it; however, I have been in privy to conversations over the past several years which indicate that it is an issue in Charlotte Mecklenburg Schools and they are actually dealing with it. I am more than happy to get in contact with them to see exactly what is going on and what they are doing about it.

Ms. English said CMS along with Mecklenburg Ministries produce The Soles of Our Transgender Student's video and that contains statistics. I can't recite them, but they are available.

Ms. Eiselt said well, I am just wondering if they are ahead of us on having to deal with this in respect of the rights of children that might not feel comfortable with those that are going through this and need accommodation.

Mr. Ratchford said we will check into that and if anyone wants a copy of the video, we are more than happy to try to get one of those for you all.

**Councilmember Phipps** said I know that the City Manager just indicated that we have well, for city owned buildings, would you say that we have a policy or have a practice of allowing transgenders to use public restroom facilities?

Mr. Carlee said it is a practice. There was, as I talked with staff they had never found a need to actually have an articulated policy. It really had not come up, when I researched with them last year.

Mr. Phipps said so, my question is, in as much as we have opted to have a practice, and I do believe hundreds of businesses in and around Charlotte have voluntarily changed their practices to include them, some of them might have already instituted policies, actual policies in that regard. If that is the case, if we have not done it here as a city, to adopt a formal policy, we have opted for a practice. Why would we think it is so important that we would press forward with an ordinance for the general community? Why would we let them have their practice, as many of them already have done?

Mr. Carlee said if I may, I need to make a distinction on what I have said. The practice question related to use of bathrooms, the policy issue in this city which we have adopted, is non-discrimination in employment. The non-discrimination in employment for the city, when it was extended by immediate predecessor to the LGBT community was done from many of the same reasons that this broader ordinance is being considered. We had existing non-discrimination for essentially the same categories that are covered in the public accommodation ordinance that the city has. The city extended that to the LGBT community in order to make it explicit to our hiring supervisors that discriminations based on sexual orientation or sexual identity was a prohibited employment practice within the City of Charlotte.

In doing that, as was reported to me and as was in my experience previously, I have worked with transgender people literally in the same offices in other jobs that I have had in two different instances, and the bathroom issue just never came up, so when I went back to staff last year, building staff to ask about policies, they said well we have never had one and have never needed one, people use the bathroom with the gender that they identify, and it is just not coming up as an issue. That was my experience working in very close quarters on that same vicinity with

transgender colloques in previous circumstances myself. I have just never heard anything about bathrooms.

Mr. Driggs said I wanted to echo Councilmember Austin's comments about the event on Monday night. I thought it was extremely well organized. I was apprehensive, and I was pleasantly surprised at how the whole crowded room was able to re-organize itself. I walked around and talked to different groups, saw people I know on both sides. Candidly they were having the better conversations than I think we have. I just wish we could have seen more of that. The thing I find regrettable about all of this is that there are a lot of people who oppose this who have reasons that are based in cultural conventions that have nothing to do with hostility toward transgender people. I find this whole process, the way it is working, is unfortunately divisive. I am concerned that it is going to exacerbate the hostility, but I do have a question, and that is when you talk to the 15 cities and you ask them have you seen any of this, did you also ask them were you able to measure any reduction as a result of having the ordinance in violence in transgender people? Did you call cities that do not have an ordinance and get their data, so as to isolate any actual benefit in terms to safety for transgenders? We talked at the retreat about implicit bias. I think this reflects a desire to establish that there was not a problem about safety in restrooms. Fair enough, I am prepared to accept that statistically there probably was not, but in order to complete that conversation, we need to know that the discomfort that a lot of people are experiencing about the change in the way the bathrooms work is justified by actual improvements in the safety of transgenders. If we don't have that kind of a statistical framework, then we get back to talking about issues of perception, comfort, privacy, qualitative issues, people's feelings, and what has happened in this conversation is the feelings that people have who do not like the ordinance. I am not denying that some of them have motives that I do not want to be identified with that, I consider to be hateful, but the feelings that many of them have been completely shut out of this conversation. I have not heard anybody say is there a way that we could, to help the transgender people because they have a problem and that concerns us without necessarily flattening the entire population of people that has conventional notions about separation of the genders. We didn't create two bathrooms in order to humiliate and subordinate transgender people. They are there for a bunch of other reasons. If we could be a little bit more up front about why we have two bathrooms, where that came from and what the affect is of what we want to do now, maybe this whole environment wouldn't be so hostile. I just think that the uncompromising way that this is being brought to us hides what I think is a substantial agreement about the fact that it is not acceptable for restaurants and taxis to discriminate against somebody based on their gender orientation. So, there are a whole bunch of things in here that I think that we could reach an agreement on pretty easily, but it has all been brought down to yes or no on the bathrooms which is why I raised the objection that I did before and as I say, I just think that it is unfortunate. I do not like being in the position of disagreeing with my colleagues on this thing, but I really feel there is a big group of people that is not being adequately recognized in this conversation.

Mayor Roberts said Councilmember Driggs I appreciate your perspective and that is precisely why the Community Relations Committee did precisely what you said they did so well or people actually were heard. I resent your implication that we are railroading this, and we are not listening to people. We have hundreds of conversations, and we have hundreds of ways of communicating. We have been talking about this in the community for almost a year, and you were at that meeting, there was a terrific exchange of real concerns on both sides. They are valid concerns. These are real people and real safety and real issues that we are talking about. That was maybe one of many that we are going to have because no matter where this ordinance vote goes, we are going to have this conversation in the community because it is the hearts and minds of the people of Charlotte. All of those are important and all of those are valid. Nothing we have done has invalidated that. I want to make that very clear.

Mr. Driggs said what I was going to say is that the bottom line, nonetheless, doesn't reflect in any way a diversity of opinion on this subject. The bottom line that we are talking about is an uncompromising adoption of something that is total geared toward the needs of the one group and does not reflect in anyway the reservations of other people. We can have all the conversations we want. It is going to look like window dressing unless you see serious negotiation on exactly how this works in such a way as to lessen the discomfort of people who feel that their privacy and safety could be compromised. I don't see any accommodation.

Ms. Eiselt said I would just like to also add that I think there is a population of people, children, who aren't being heard. For everything that I hear, I am a mom of boys and girls. When my boys were little I would not let them go into bathrooms by themselves. I would put my head in the bathroom at Targets and say who's in there? If I was not comfortable I would not let them go in. So I resent that this is all about little girls or women. As a woman, I resent that. I also know that there are issues in our schools and those parents; the last thing that they want is to put it out there and put their child on a public platform. That is a very difficult discussion. This is an either/or discussion in this community. I think it is a painful discussion on both sides. It is very painful when you are asking people who are dealing with this to put themselves or their children up on a platform and use them as an example. So, I think there are a lot of people that are not being represented in this that maybe aren't a statistic. Maybe they haven't been injured in a way that you could go to CMPD and say that a crime has been committed, but they have been harassed, and I know that's true so without divulging people's privacy.

Mr. Smith said regarding the process and regarding the counter balance of opinions, last year we had the HRC and MeckPAC give a presentation. I do not feel we have yet to have a countervailing of opinion in a forum like this that I think community conversation happens, and it happened at the event. We have not had countervailing of an opinion stand up in front of us and present their side of the argument which I think is where Councilmember Driggs is going to with part of the invalidation of a large swath of the city.

**Councilmember Lyles** said one of the things that are the most important for me in this in this process is coming back and doing this in a way that all of us can express both thoughts and opinions. If there is one thing that makes this Council work well together, is to actually treat this issue as you would have for any other policy question. Now, how we do that is that generally we have the staff present to us. They talk about a position, there can be recommendation or cannot be. This is the opportunity that their questions that we need to answer or address that we ask them tonight. No matters where you stand on the issue and it's not necessary that they have to be driven by emotion, but if there are statistics they need to be known. If we want to know how often the ordinance has been considered, repealed, approved, we need to ask those questions do tonight so that we have the information for a careful deliberation and making a decision. I think we have been consistent today and tonight in having that presentation. We have the opportunity to ask those questions. Let's do that. Let's do this in a way that we can all be proud of and represent this community well. That is what is important. Not dividing, but actually doing our jobs in a way that we can defend and support it. So let's go ahead and get about, what questions we need, what information would we ask from the staff, the city manager or any other interest group? Let's go ahead and get that out on the table so we can deliberate about it and think about it and do what we think individually at some point a vote will be to make a difference in the community. So, I know that we can talk about the ordinance now in a way that we can talk about it at the dais when we are going to vote on it. I think tonight let's get out that if there are questions about who is not being heard, let's ask how they can be heard. So, I am going to actually say, one of the things that I think we should do is summarize those places where the ordinance did not pass, and why it did not. That will be fine, and other questions that need to be put on the table, let's do that.

Mr. Austin said I have listened to Councilmember Driggs speaking about how we do not get to hear the other voice. If I recall, there was some 39,000 emails that we got last year. That is a loud voice, I heard it. It did not make that much difference to me because I understand the fact that we live in a country where we need to treat all people equally. The same arguments and fears, and fear is false evidence appearing real, are the same arguments that were used for women and African Americans. All you need to do is insert Negro into those and you have those same fears that people worried about when African Americans demanded equal rights in this country. So, if you did not hear those voices I suggest you go back and read the 39,000 emails that we got or the thousands of emails that we got most recently, because I have heard those other voices. What this is, this is about equality for everyone in this city and if we are going to be a world class city, a global city, we need to be thinking world class. Thank you.

Mr. Phipps said Mayor Roberts, did I understand you to say that we are going to have any more public forums before the voters are held or we have had them since last week, the one tonight, then at the public hearing, that is it?

Mayor Roberts said you mean in terms of Willie and Dianne doing the public forum?

Mr. Austin said right, or any other public forum. Are there any more scheduled between now and when we vote on this?

Mayor Roberts said we have not decided if we are going to put it on the agenda to vote on just yet because we are still having the conversation. If we do decide that and we do it in February, Willie, are there any more forums scheduled?

Mr. Ratchford said we do not have any more forums scheduled right now. Whenever you do votes it is quite obvious that there are going to be hurt feelings on either side in all senses that we would need to continue these discussions in bringing people together. So, I can see us having additional forums after the vote regardless of what the result of the vote is.

Mr. Carlee said just to state the obvious, at whatever point it would go on your agenda, people would be permitted to speak to the agenda item. So, that would be the last forum before you voted.

Mr. Smith said this happened last year, the injection of race into this, I find frustrating because there were laws that expressly prohibited activities of African Americans that the community collectively got behind and the federal government got behind to end. To suggest that you are somehow a bigot because you think a man should use a men's room and a woman should use a woman's room, I just think that is a false equivalent. I have tried to keep my tongue civil, and I have a firm conviction on this and as the conversation continues I hope that others will keep it civil as well.

Mr. Autry said I understand the provisions have been impacted at the Panther's Stadium, the Bank of America Stadium, regarding public accommodation there. Are you familiar with that?

Mr. Ratchford said I am not. Bob, are you familiar?

Mr. Autry said well, I understand they have basically enacted the policy that we have here and can we get some understanding if that has actually happened? If so, have there been any instances of anybody being endangered at Bank of America Stadium? I would just like to know that.

Mayor Roberts said Okay I can certainly get somebody on staff to bring back information about, actually a lot of Fortune 500 companies have this policy in place and have had this policy in place for many years, and we can certainly get feedback from them as to what their experience has been.

Ms. Lyles said I want to add to that. You said Fortune 500 companies but this is around our boundaries so can we look at the top ten in highest number of employees and get their ideas and policies and then can we also perhaps do a sampling of some of the smaller businesses, and determine how they make their decisions around something like this. I think having some ability to know what our community is actually doing might help us understand not just from what people say. My mother use to say “watch my feet, not my mouth.” So, let’s see what people are doing with their feet on the ground, versus what they are just talking about.

Mr. Carlee said I think it is important to note that there are, I think we are talking perhaps about two different things. What we will find with our public companies and private companies would not be policies around public accommodation but around non-discrimination of Employment. A number of them have adopted non-discrimination of Employment policies like we have as the City of Charlotte, with regard to non-discrimination in public accommodation. That is a uniquely governmental function. So, the real question that we do not fully know the answer to is how many companies that provide the public accommodation actually discriminate? How many of them would say explicitly that they actually do? I suspect would be very rare, but what is in front of the Council now is a uniquely governmental action as opposed to a private business action.

Ms. Lyles said I agree with that and I understand it, but my perspective from it is that if I have a person that chose to come to Charlotte for employment and they are employed in a company that allows them to express themselves with their sexual identity or preference and they are working there. What happens to them when they walk out of the door at the end of the work day at 5:00? How are they different from, I guess most companies now make you work from six-to-six to be successful. So what happens when they walk out after 6:00? I understand what you are saying. I am not looking at it from, well, do they discriminate or not discriminate, but I am actually trying to determine out of our large public and largest employers how they treat people. I think that gives us some sense of how people want to be treated because they choose to come here to work and live. So, it is a little bit of a different way that I look at it.

Mr. Carlee said well, we will see how we can align those.

Mr. Driggs said I think one of the sticking points in this conversation is that a lot of the opponents do not feel that the state of discrimination exists now. So, you have to respond to that. I mean, whatever your feelings are about this there is a sense on the part of a lot of people. The bathrooms are there not in order to offend or in any way humiliate transgenders. They are there because of cultural values we have. We have heard that it is against the law for example to expose your private parts. Now, that to me, legally encompasses a sensitivity about gender issues, and I think the thing a lot of people struggle with is our way in fact of eliminating discrimination that exists today, or are we creating a preference for people who are in this difficult situation where their biological identity and their mental identity are different. Are we saying to them, you do not have to play by the rules that everybody else does. I can’t go into a ladies room. So, I am just putting out there one of the topics for conversation here and one of the issues on a lot of people’s mind is they do not feel that the biological separation constitutes anything like the same sort of discrimination that we have had in our history of race relations or against women.

Mayor Roberts said for our attorney, I actually have a question about that. I know that when there is exposure, but is it illegal for a man to go into a women’s restroom right now with or without this ordinance?

Mr. Hagemann said so, that is why I brought up the second degree trespass. There is no specific state statute or local ordinance that makes it explicitly illegal for somebody to go into a restroom other than the one that is consistent with their biology. There is just an absence of direct law. What we have been able to piece together is the possibility. I do not know that we have ever had a case where we have had to enforce it. That if a man, dressed as a man, were to go into a

woman's restroom and refuse to leave, I think that the owner could come in and say please leave and if not I will call the police and have you arrested for trespass. It doesn't happen. In theory, I think that trespass could be used in that instance.

Mayor Roberts said technically it is not illegal from what you have been able to glean from state statute?

Mr. Hagemann said there is no state statute that states that it is illegal for a man to go into a woman's restroom.

Mayor Roberts said there is no state statute. Okay.

Mr. Hagemann said and vice versa.

Mayor Roberts said and in those cases where it is a single stall and somebody of the other sex uses it even though it is designated a different way because there is a long line at the other one then that is not illegal either.

Mr. Hagemann said I have heard anecdotally, as recently as about 4:30 today Mayor, that women will occasionally use men's rooms because the line gets very long, it happens. I am told it happens.

Mr. Driggs said that is kind of my point. If I am allowed to go into a ladies room, then why are we here? Why are we here? Anybody can go where we want. I am assuming the ordinance is meant to address something other than a legal barrier. I am saying whatever it is that stops transgenders from going where they want to go or whatever it is we are contemplating doing, that would make it unlawful is either unnecessary.

Mayor Roberts said we are going to get you the 140 something responses that the LGBT Business Council has received that survey of actual instances. We will get that for you, absolutely.

Mr. Driggs said but I am just saying that the point about it is that is it illegal for me to go into a ladies room, if it is not then it is not illegal for transgenders to go wherever they want too and we don't need this ordinance.

Mayor Roberts said okay we will get you some more information on that I understand.

**Councilmember Mayfield** said unfortunately, I think that we are still not taking advantage of the opportunity to ask the specific questions. It kind of feels like, in what I am hearing is that we are asking the victim or those who have been assaulted to defend by going public to say okay, I have been assaulting. The concern that I also have is that we had specific facts, figures, numbers, that are out there regarding the lack of current protections. Even with the numerous conversation that I have had through my district with my, with a number of constituents, even with the number of emails it is two conversations that's happening. We are talking about as a collective and Mr. Hagemann you have already said it but I want to clarify again, we are talking about expanding protections in our non-discrimination ordinances. There is always going to be concern and challenge whenever there is any discussion about expanding protections to any particular group. I think we keep getting lost in this conversation Mayor, in one aspect of what protections look like. So, yes, as a female going into a restroom, whether I choose to go into the men's room or the women's room, if I am assaulted by a man, there are protections on the books to address that assault. I think there's a challenge when we keep hearing that I don't want a man in the women's restroom. We have completely removed the fact that we are talking about a transgender women. So, I am concerned that the conversations that I am hearing are that people don't see this person as a woman. They do not understand transgender nor do they care to understand transgender. They just keep saying, "I do not want a man in the women's restroom." We just heard from the

attorney, on the books, legally there is nothing to say that a man cannot go into a woman's restroom or a woman cannot go into a men's restroom.

What we are talking about is an ordinance to expand protections to include as many people as possible; To make sure, if you were, to go into the restroom as a transgender woman, more often than not, most people do not know that someone is transgender anyways, that is a perception because of the reality is if that person has had the ability, either their parents supported them before pre-puberty and they have grown up to live the life that they identify with, you can't just look at someone all the time and assume that you know who they are. Where are the cases that said that someone transgender went into a restroom or someone pretending to be a woman or a man walked into a restroom pretending to be trans and attacked someone? Unfortunately, I have papers of names of cities and states where people have been sexually assaulted by clergy members. Women have been assaulted by numerous other groups. Do we have any numbers out there that says okay, someone went into a women's restroom pretending to be transgender saying that they were a woman and actually assaulted or attacked someone?

Mr. Hagemann said councilmember Mayfield, I am not sure that is a legal question. I have not heard it, but I do not profess to be an expert or to have personally exhaustively researched it. I do not know if Willie can comment.

Ms. Mayfield said Mr. Ratchford, as the head of the Community Relations Committee, again, anyone can pull up the statistics online to show how many assault cases have happened against women by heterosexual men and that have happened against children by heterosexual men, and there is a name for that it is called a pedophile. There are resources in place; there are laws in place to protect individuals. I want to know since we keep having this conversation, about I don't want a man in the women's bathroom, not even thinking about the fact that there are transgender men. So, I guess they are okay as long as you are not saying that you are a transgender female. Where is the case that says that a transgender female went into a restroom and assaulted a woman? Not to mention the fact that last time I checked, in the women's restroom, we actually have stalls and we aren't spending a whole lot of time in there. We are going in, doing our business, washing our hands, fixing up our makeup, and getting out. So, the assault cases where a woman has been assaulted by a man, we know those are extremely unfortunate. We also have tracked the assault cases of transgender women, when they have had to go into a man's restroom. What I want to know is who can tell me that case of that transgender woman who went into a woman's restroom and assaulted someone.

Mr. Ratchford said well, Ms. Mayfield, I cannot respond to your question tonight because I do not know. We will check back to see if we can get information which will answer your question.

Mr. Autry said I think what we are talking about here is protective classes, and protecting people from discrimination, and whenever there is discrimination, to provide them with the mechanism that is not currently available to them, to address that discrimination. If a transgender woman does not use the ladies restroom, what restroom should she use? Where is the solution? That is where a lot of trouble happens.

Mr. Smith said I have a question for Bob. This is as much for public edification if anything because we have had this conversation, but it has been asked about this being taken to the voters, like in Houston. Can you just give a brief explanation of as to how or why that is not possible? That is something worth noting.

Mr. Hagemann said sure, just to elaborate a little bit for the benefit of all. What Councilmember Smith is referring to is something that happened over the last year or so in Houston, Texas. The City of Houston, the City Council, passed an ordinance providing protection. What followed then was a citizen protection drive that put the question on the ballot I believe on November the voters in Houston repealed the ordinance. They voted against the ordinance that provided

protections along the lines that are contemplated here. The difference between Texas and North Carolina is that our state laws do not, referendum can only be held when required or authorized specifically by a state law. There are certain subjects that are subject to referendum as you will know to issue general obligation bonds; we have to get approval from the voters at a referendum. Some of you may recall back 12, 13, 14 years ago when there was a debate over whether or not to build a downtown arena and some other public projects. City Council went to the legislature and explicitly asked for authority to hold a non-binding referendum. The city could not hold a referendum without the legislature authorizing it. This is not a subject that currently, under state law, is any mechanism for either a petition drive for the citizens to force a referendum or for you voluntarily to put it to the voters through a referendum. Current state law does not authorize that.

Mr. Driggs said it is interesting that Councilmember Mayfield and I look at some of the same information and interpret it differently. I think that, for one, I agree with you that the more data we can get in terms of what offenses are committed by whom and under what circumstances so that we have that information would be good. I want to emphasize that I do not think that the concern is that transgenders are misbehaving. I think that the concern in the minds of people is that when you undermined that wall between those restrooms, then you kind of invite other things. Now, that would need to be proven. I will say that in a day when we have sex offender lists, Amber alerts, clergy misbehaving, coaches misbehaving, I think the fear that parents have for their children is not something we should just ignore. Whether or not the data actually supports one conclusion or another, we should simply acknowledge that the people who are afraid for their kid's or ladies who are concerned about traditional and conventional standards of privacy. They deserve to be heard.

Mr. Austin said I just hope that my fellow councilmen and women are not looking at this from sort of a quantitative there have got to be 20 or 30 incidents of discrimination before government steps in and try to create equality for people. One incident of any type of discrimination or prejudice is, I feel, a ground for the government stepping in and saying that we need to create equity for everybody. It is beyond me that you have at many times in the court of our history privilege classes of people who determine what other people will be allowed to do. That is horrible in our society.

Mayor Roberts said thank you Councilmember Austin. Clearly this is a very emotional issue and again as I said before no matter what happens with this particular ordinance, it will continue to be an emotional issue. We are not shutting off conversation by any way, shape, means, or form, today, tomorrow, whenever. This is public. We are operation in public all the time. I invite continued input on this. We have some questions that will be answered.

Mr. Ratchford said what happened last Monday night was a really powerful and beautiful meeting. The most powerful thing that I have witnessed, and this did not happen in each and every case, but there were many people who were at the event last week who prior to coming in there had either demonize or dehumanize one or another from both sides of this issue. I had many people to come up to me afterwards and say, you know when we had the small circles we had the conversations. I was sitting down and my knees were actually touching the person across from me because we were that close. They say I looked up and saw there was another human being on the other side of that conversation. So, I would hope that we would have more conversations regardless of what side of this issue that we are on. We have to talk to each other. I will leave it at that.

Mayor Roberts said thank you Mr. Ratchford. So, because of the interest, we do have a closed session meeting. Is it the sense of the Council that we put this ordinance as it is, as it was a year ago and as it still is, on an agenda item on February the 22nd? Is that the sense of the Council? If we have data by then and information is everyone okay with that?

Mr. Smith said I prefer to do a vote instead.

Ms. Mayfield said I think we need to just for clarification.

The vote taken on adding this item to the February 22nd agenda was recorded as follows:

YEAS: Councilmembers Austin, Autry, Eiselt, Fallon, Kinsey, Lyles, Mayfield.

NAYS: Councilmembers Driggs, Phipps, and Smith.

Mayor Roberts said with all of the information that we are going to have with all of the surveys of what other cities are doing, what companies are doing, all of that information in hand. So, everyone else would prefer to wait or not put it on? So we are going to have it on February 22<sup>nd</sup>. One thing I want to just mention really quickly then we need to go on to motion to close session. Because we have had a public hearing for this and we have had several different opportunities, depending on what else is on the agenda for February 22nd, it is in our council rules for the Mayor to limit the time for each person to speak. So, I do not know right now because I do not know if we will have 300 people or 50 people sign up, but I just want them to know that I may limit the number of minutes that each person can speak. It might be as short as a minute; it could be as long as three minutes. That is all within our rules, within our current operation procedures. So, I just want to make sure I am very clear about that upfront.

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#### **ITEM NO. 4: CLOSED SESSION**

Motion was made by Councilmember Lyles, seconded by Councilmember Mayfield, and carried unanimously to go into closed session pursuant to North Carolina General Statute 143-318.11(a)(3) to consult with attorneys employed or retained by the City in order to preserve the attorney-client privilege and to consider and give instructions to an attorney concerning the handling and settlement of City v. Parks Holdings, LLC (13-CVS-19448) and City v. Roseclay LLC, 12-CVS-17465 and 13-CVS-107710.

The meeting was recessed at 6:49 p.m. to move to room 280 for the closed session. The closed session was recesses at 7:02 p.m. to move into the Meeting Chamber.

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#### **BUSINESS MEETING**

The City Council of the City of Charlotte, North Carolina reconvened for the Business Meeting on Monday, February 8, 2016 7:08 p.m. in The Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Jennifer Roberts presiding. Councilmembers present were, Al Austin, John Autry, Ed Driggs, Julie Eiselt, Claire Fallon, Patsy Kinsey, Vi Lyles, LaWana Mayfield, Greg Phipps, and Kenny Smith.

**ABSENT UNTIL NOTED:** Councilmember James Mitchell

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**Mayor Roberts** said I want to welcome everybody to the February 8<sup>th</sup> meeting of the Charlotte City Council. We are going to start with introductions in just a minute. I do have to take a minute and say that we are very proud of our Panthers. I know that a lot of folks were watching them, and it was not the best game that they have had, but they had an amazing season. This council is behind them 100%. We are looking forward to even greater things next year and I just had to say that since the Super Bowl was yesterday.

**Councilmember Lyles** said Mayor, they have landed and people packed Bank of America Stadium to welcome them home so we are really proud.

Mayor Roberts said that is terrific. Well, we are glad to hear that and we will look forward to next season and we will keep pounding.

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### INVOCATION AND PLEDGE

Councilmember Lyles gave the Invocation followed by the Pledge of Allegiance.

\* \* \* \* \*

### AWARDS AND RECOGNITION

#### ITEM NO. 5: GET YOUR REAR IN GEAR PROCLAMATION

**Councilmember Lyles** said tonight I have the honor to recognize the cause of colorectal cancer. I was really pleased to do this because my father, a veteran of World War II, a young man at the time, at the age of 65 contracted colon cancer and a result of that was our loss. He was a great man, great father, and a great husband. So, when we talk about colon cancer sometimes it isn't easy and it is easy to kind of make light of it. We all kind of know what it means to have that exam, but it is really important because we lose too many lives to cancer. We lose too many lives to colorectal cancer when it can be diagnosed early.

So, I am pleased to recognize those who work on the behalf of getting people in to prevent and make sure that people are aware of this.

**WHEREAS**, colorectal cancer is third most commonly diagnosed cancer and the second most common cause of cancer deaths for men and women combined in the United States; and

**WHEREAS**, colorectal cancer affects men and women equally; and

**WHEREAS**, by making the words colon, colorectal and colonoscopy a part of everyday language, we believe we can overcome the fear and decrease deaths from this largely preventable cancer; and

**WHEREAS**, Get Your Rear in Gear is the signature event of the Colon Cancer Coalition which has a vision to establish a colon cancer event and/or align with an existing event in every state to help raise awareness and funds in order to adequately fund colon cancer activities; and

**WHEREAS**, Get Your Rear in Gear is bigger than just a message for colon cancer, it is a message for all of us to take action, lead longer and healthier lives, and when something isn't right to get the answers we need; and

**WHEREAS**, March is nationally recognized as Colorectal Awareness Month and on March 5, 2016 "Get Your Rear in Gear" will hold its annual 5K in Charlotte, North Carolina:

**NOW, THEREFORE**, I, Jennifer Watson Roberts, Mayor of Charlotte, do hereby proclaim

March 2016 as

**"GET YOUR REAR IN GEAR MONTH"**

in Charlotte and commend its observance to all citizens.

Ms. Lyles said I would like to have you speak a few words about it. Please give us your names. I am sorry; I should have introduced your.

**Jane Tailon, Neighborhood and Business Services** said I have next to me Doc McHaffey who is the Event Director of the Get Your Rear in Gear race. On behalf of the colorectal cancer community we would like to thank you for recognizing this event and recognizing March as colorectal cancer awareness and Get Your Rear in Gear month. We have brought some friends

with us this evening so if we can get everybody, really in the chamber because those are not the only ones that have been impacted by colon or rectal cancer to stand for a quick second that would be wonderful.

Mayor Roberts said thank you for coming in support.

Ms. Tailon said Doc and I as well are both survivors. A few stats: colorectal cancer is the second leading cause of cancer deaths among men and women in the US, and it is highly treatable when found in its earliest stages. In 2016, it is estimated that there will be over 134,000 new cases diagnosed and over 49,000 deaths. In Mecklenburg County, we anticipate 379 newly diagnosed cases and 132 deaths. Mecklenburg County leads the state in those stats.

Tonight is really special to us. We are here to share a story with you about a young lady by the name of Susan Falco. In 2008, at the age of 39, Sue was diagnosed with stage 1 rectal cancer. In response to her diagnoses Sue made a decision to do something to fight for other young colorectal cancer patients. That decision lead to the Charlotte based Get Your Rear in Gear race. In 2010, Sue along with her Co-founder Mary-Karen Beerman, who was also diagnosed with colorectal cancer, spearheaded the effort to bring the Get Your Rear in Gear race to Charlotte. Get Your Rear in Gear is a 5k run/walk that has a mission to empower local communities and to promote prevention and early detection of colorectal cancer and support those affected. Funds raised from this event go back to the local community to support programs which include a colorectal cancer support group, funding colonoscopies for the uninsured, and underinsured, wellness retreats and grants that assist with daily living expenses. Of the 70+ Get Your Rear in Gear events held across the country, Charlotte consistently ranks third in participations and donations behind Philadelphia and Minneapolis. So, we do invite all of you to come join us on March 5<sup>th</sup> in Independence Park for our 7<sup>th</sup> annual race. So, a little bit more about Sue. In 2012, just four years after her initial diagnosis, she learned that the cancer was back and had spread to her lungs and as a result, spent the last three years undergoing treatment to prolong her life. Even while fighting for her own life Sue continued to fight for ours. Sue continued to be an advocate for the colorectal cancer community and to find ways that our lives would be supported and enhanced. On January 3<sup>rd</sup> of this year Sue lost her battle, but her legacy remains. Sue's family is here tonight, and we want to introduce you to her husband John, her mother Barbara, her daughters Mia, and Ava, and, Cousin Jenny. In just a minute we will ask them to come down and accept the proclamation on our behalf. Without them, they generously gave up their time with Susan so that she could have time with us. She was full of energy and positivity and if there is one last thing that I could say about Sue, she didn't live life waiting for the storm to pass, she learned to dance in the rain. If they could, please come down and accept the proclamation.

\* \* \* \* \*

**ITEM NO. 6: TEEN DATING VIOLENCE PREVENTION AND AWARENESS MONTH PROCLAMATION**

**Mayor Roberts** read the proclamation.

**WHEREAS**, females between the ages 16-24 are more vulnerable to intimate partner violence, experiencing abuse at a rate almost triple the national average; and

**WHEREAS**, one in three adolescents in the United States is a victim of physical, emotional or verbal abuse from a dating partner, a figure that far exceeds victimization rates for other types of violence affecting youth; and

**WHEREAS**, high school students who experience physical violence in a dating relationship are more likely to use drugs and alcohol, are at greater risk of suicide, and are much more likely to carry patterns of abuse into future relationships; and

**WHEREAS**, young people victimized by a dating partner are more likely to engage in risky sexual behavior and unhealthy dieting behaviors and the experience may disrupt normal development of self-esteem and body image; and

**WHEREAS**, nearly half of teens who experience dating violence report that incidents of abuse took place in a school building or on school grounds; and

**WHEREAS**, 33% of teens who are in an abusive relationship never tell anyone about the abuse, and 81% of parents surveyed either believe teen dating violence is not an issue or admit they do not know if it is one; and

**WHEREAS**, by providing young people with education about healthy relationships and relationship skills and by changing attitudes that support violence, we recognize that dating violence can be prevented; and

**WHEREAS**, it is essential to raise community awareness and to provide training for teachers, counselors, and school staff so that they may recognize when youth are exhibiting signs of dating violence; and

**WHEREAS**, the establishment of Teen Dating Violence Awareness and Prevention Month will benefit young people, their families, schools, and communities regardless of socioeconomic status, gender, sexual orientation or ethnicity; and

**WHEREAS**, everyone has the right to a safe and healthy relationship and to be free from abuse:

**NOW, THEREFORE, WE**, Jennifer Watson Roberts, Mayor of Charlotte, and Trevor M. Fuller, Chairman of the Mecklenburg Board of County Commissioners, do hereby proclaim, February 2016 as

**“TEEN DATING VIOLENCE PREVENTION AND AWARENESS MONTH”**

in Charlotte and Mecklenburg County and commend its observance to all citizens.

**Melissa Siegel-Barrios, Mecklenburg County** said thank you Mayor Roberts and City Council members for agreeing to proclaim this month as February Teen Dating Violence Awareness month. I am Melissa Siegel-Barrios. I work for Mecklenburg County Community Support services. I am going to let my fellow community members introduce themselves.

**Natasha Johnson, Miss North Carolina, United States** said hello, my name is Natasha Johnson. I am the new Miss North Carolina, United States. I am a proud member of the Teen Dating Violence Awareness Committee with our foundation with One Word.

**Pamela Richardson-Nowak, Teen Dating Violence Committee** said hello, I am Pamela Richardson-Nowak, and I am member of the Teen Dating Violence Committee.

**Mike Sexton, Mecklenburg County** said good evening everyone. I am Mike Sexton with Mecklenburg County Community Support Services.

Ms. Siegel-Barrios said so we want to thank you again very much for this proclamation and tell you a little bit about what we are doing during this month. So, tomorrow is wear orange day. So, we would like to encourage all of you to wear orange, not in support of the Broncos, but in support of Teen Dating Violence Awareness month. So, we want you to really get out there and show your support by not only wearing the color orange but by talking to people about the fact that you are not supporting the Broncos, but you are supporting an important message of spreading healthy relationships to young people. We also have an important event this Friday. It is our forward for love event. Our forward youth group is helping us plan this big event along with the committee. This event will be at Label Charlotte, from 5:00 to 7:00 p.m. We are really going to have a big celebration for healthy relationships and talk about the importance of healthy

relationships so we are really excited about that event. So, thank you very much. We look forward to seeing all of your pictures on social media wearing orange tomorrow. We do have some little gifts for you all to help encourage your support for the month.

Mayor Roberts said I am really glad to hear that tomorrow is wear orange day because I lost this bet, and I have to wear this orange jersey tomorrow. So, now you have given me a really good reason to wear orange. So, that is what I am going to say that I am doing.

Ms. Siegel-Barrios said yes, that would be great. We do have Romare Bearden Park has been lit orange for this entire week. They have a cool kind of light show. So, if you want to go out there and take your picture there, we encourage you to do that. We also have a bunch of schools that are doing some wonderful events on their own. Last Friday, Mallard Creek hosted us their basketball game, and East Meck student congress is going to be doing events at their school. Crestdale Middle School Jr. D.R.E.A.M team is doing some awesome events at their school as well. So, I definitely want to give shout outs to those awesome schools. Also, Harding High School is going to be doing an event this Friday as well.

Mayor Roberts said I really appreciate you raising awareness so that teens know it is never okay to hit your partner or to be hit by your partner. We truly appreciate your helping raise awareness and no verbal abuse either. Thank you Mister Sexton. It is also not okay to be yelled at and to yell. We need to be supporting healthy relationships. So, if you want to, we would love to give you your proclamation and let us shake your hand. Thank you so much for what you are doing.

Mr. Sexton said if I can just make one other note that when you take pictures of yourself in orange at the park or wherever you do it, throw it up on your social media sites. It is a great way to raise awareness.

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#### **ITEM NO. 7: YOUTH DRUG SURVEY PRESENTATION**

**Jane Goble-Clark, Center for Prevention Services** said thank you for including this information on the agenda tonight. I have two handouts which will be going around. One of them is the actual survey, and one of them is a quick overview. So, the Center for Prevention Services, I call it a hidden gem of Charlotte because we have 45 years of service to the community. We were founded as the Drug Education Center, later became Substance Abuse Prevention Services, and now we are the Center for Prevention Services. I say we are the hidden gem because substance use is something that is not often talked about, but it is something that is very prevalent. This survey has been around almost as long as our agency. What you will find in it is that even though we don't talk about substance use disorders and even though we forget that it is a medical issue and not a moral issue, our kids know a whole lot more than we prefer to think about. The survey was done last year in partnership with CMS. We were able to distribute it to 5,000 students between middle school and high school ages. Of the 5,000, about 3,900 were actually usable. So this is really significant data from the kids. Instead of going through the full survey, I have just highlighted five different points that I want to make in my three minutes with you tonight.

One is that we just need to talk to kids about drug use. Survey results showed that 63 percent of our youth have parents that haven't talked to them about it. The simple fact of talking and sharing information with our kids is a strong protective factor. Knowledge is power. So, if we have conversations our kids will be safer.

The next point is to talk to kids about how e-cigarettes are harmful. 80% of our kiddos see a risk of harm from using tobacco products. This is good news. It shows that the prevention efforts of the past two decades have really worked and they are afraid of using tobacco. Unfortunately, the survey data shows that one in five students are now using e-cigarettes because even though it is a nicotine product they do not view it that way. Something that we can do to help raise awareness

around this is to talk to our kids about how e-cigarettes are dangerous, and to also avoid the use of the term vaping. Vaping is a way to market e-cigarette use as something other than the nicotine product that it is, or as something that is not harmful but is cool. So, if we are just aware of the messages that we give to our kids and if we remembered to just talk to them about these things they will be safer.

The third point is that think we need to strengthen our middle school approaches to prevention of underage drinking. 40% of our youth say that it is easy to access alcohol. It is showing up that our earlier grades have more access to it and are using it more and that our upper grades are not. So, prevention is working in terms of high school but we need to be able to maintain and sustain prevention efforts to make them effective. That means really continuing to focus in the middle school years.

**Councilmember Mitchell arrived at 7:30 p.m.**

The fourth point is that we need to remember to lock-up our medicines. Pain relievers are the drug of choice when it comes to non-medical use or misuse of prescription drugs. Our youth are reporting very easy access to this. One of the antidotal stories we got from a group of teens we worked with is that there are things called skittles parties. Just appalling to me when I actually hear what these details are. We know what skittles are; they are little colorful candies. Well the skittles parties that kids are having are they bring their prescription drugs that they have gathered from their cabinets, or their grandparent's cabinets, or their friend's cabinets, and they throw them all in a big bowl and then they just grab a handful, pop them and see what happens. So see, knowledge is power. We just need to talk to kids about how dangerous these things are because they forget that they are vulnerable.

So, the last point is to be aware of the social norms around marijuana use and how it impacts our kiddos. So, the interesting thing is that around the youth drug survey is that over the 43 years that we have done it, the top two issues are almost always underage drinking and tobacco use. That third thing is the thing that changes based on the thing that is trendy at the time. Unfortunately, right now, we are looking at marijuana use as well as prescription drug use. Seventy-eight percent of youth still see that it is wrong to use marijuana but 10% already see it as not wrong at all. This reflects the national messaging and norms around marijuana as not a dangerous substance or as medicinal. The legality of it in some states also contributes to the norms that our kids are internalizing. The YDS reports that our kiddos can get marijuana with slightly less ease than cigarettes. Think about that for a minute. The think it is pretty easy to get cigarettes and they think it is just about as easy to get marijuana. Our kids know a whole lot more about this issue than we care to think about. So, results show that there are higher rates of parental approval of marijuana use which is another way that the social norms of impacting our kiddos and our culture. The important thing and the easy thing for individuals, families, communities, and agencies to promote prevention of marijuana use amongst youth is to remember that no matter what other political arguments are out there around this topic, it really can't be debated that here is value and need to keep our kids safe from early experimentation and use. In closing, I just want to reiterate that prevention works. It was actually the main topic of tonight's awards and recognition. Prevention is prevention is prevention, if we can stop things before they happen it saves lives, it saves suffering, it saves costs. Evaluations such as the youth drug survey help assess our community needs and therefore help keep our community safe. So, I really appreciate that you added this valuable topic on tonight's agenda. I appreciate your time and please feel free to ask questions or email me if you would like an E-copy of the survey. It is really about sharing the knowledge. Thank you.

Mayor Roberts said thank you so much, and is your report available online somewhere?

Ms. Goble-Clark Said yes, so if you go to our website, [www.preventionservices.org](http://www.preventionservices.org) you can access an e-copy of the youth drug survey.

Mayor Roberts said thank you so much. Are there any questions for our speaker? We appreciate you bringing this to our awareness and appreciate what you are doing for our youth.

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## CONSENT AGENDA

Motion was made by Councilmember Driggs, seconded by Councilmember Austin, and carried unanimously to approve the consent agenda as presented with the exception of Item No. 41, which was settled.
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The following items were approved:

**Item No. 22: Voluntary Annexation Public Hearing**

Adopt a resolution setting a public hearing for March 14, 2016, for a voluntary annexation petition.

The resolution is recorded in full in Resolution Book 47, at Pages 209-210.

**Item No. 23: City Bridge Inspections**

(A) Award a contract in the amount of \$216,191.12 with Parsons Brinckerhoff, Inc. for the inspection of bridges not qualifying for federal funds, (B) Award a contract in the amount of \$444,307.04 with Parsons Brinckerhoff, Inc. in for the inspection of bridges that qualify for federal funds administered by the state of North Carolina, (C) Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation to share the cost of inspecting 140 City-maintained bridges and culverts in the amount of \$355,445.63, and (D) Adopt Budget Ordinance No. 7037-X appropriating North Carolina Department of Transportation funds of \$355,445.63.

The resolution is recorded in full in Resolution Book 47, at Page 211.

The ordinance is recorded in full in Ordinance Book 59, at Page 709.

**Item No. 24: Private Developer Funds for Traffic Signal Improvements**

(A) Authorize the City Manager to execute a Developer Agreement with Piper Glen Master Association HOA, Inc., Dilworth Apartments, LLC, and Rea Farms Development, LLC, and (B) Adopt a Budget Ordinance No. 7038-X appropriating \$807,259 in private developer funds for traffic signal improvements.

The ordinance is recorded in full in Ordinance Book 59, at Page 710.

**Item No. 25: Interlocal Agreement with Charlotte-Mecklenburg Schools for Google Fiber Hut Sites**

Authorize the City Manager to execute an interlocal agreement with Charlotte Mecklenburg Schools to facilitate locating three Google Fiber Hut sites.

**Item No. 26: Interlocal Agreement with Mecklenburg County for the Cross Charlotte Trail at Cordelia Park**

Adopt a resolution to enter into a second interlocal agreement with Mecklenburg County to jointly-fund design and construction of a segment of the Cross Charlotte Trail with the City's share being an amount not to exceed \$600,000.

The resolution is recorded in full in Resolution Book 47, at Pages 212-213.

**Item No. 27: Cherokee-Scotland Storm Drainage Improvement Project Change Order**

Approve change order #1 for \$788,921.85 to Onsite Development, LLC for Cherokee-Scotland Storm Drainage Improvement project.

**Item No. 28: Glenfall Avenue Storm Drainage Maintenance and Repair Project**

Award a contract in the amount of \$649,000 to the lowest responsive bidder Zoladz Construction Co., Inc. for the Glenfall Avenue Storm Drainage Maintenance and Repair project.

**Summary of Bids**

Zoladz Construction Co., Inc.	\$ 649,000.00
Onsite Development LLC	\$ 707,362.70
Sealand Contractors Corp.	\$ 781,000.00
D.E. Walker Construction Co.	\$ 838,542.44

**Item No. 29: Large Diameter Water and Sewer Service Installation (FY16 – Contract #1)**

(A) Award a contract in the amount of \$4,053,340.50 to the lowest responsive bidder Dallas 1 Construction LLC for the installation of large water and sewer services, and (B) Authorize the City Manager to renew the contract for up to one additional term with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

**Summary of Bids**

Dallas	\$4,053,340.50
State Utility	\$4,453,113.50
RH Price	\$4,600,013.00

**Item No. 30: Vehicle and Equipment Commission and Decommission**

(A) Approve a contract with Vehicle Prep Services for Vehicle and Equipment Commission and Decommission Services for an initial term of three years, and (B) Authorize the City Manager to renew the contract for up to two additional, one-year terms with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

**Item No. 31: Meeting Minutes**

Approve the titles, motions, and votes reflected in the Clerk's record as the minutes of: January 11, 2016, Business Meeting

**Item No. 32: Change Deed Restriction for Mecklenburg County**

Approve changing the deed restriction for a +/- 1.47 acre portion of the real property (tax parcel # 125-071-26) making up the site of the former Second Ward High School, requiring that the property be used for school purposes.

**IN REM REMEDY**

**Item No. 33: In Rem Remedy: 4125 Gossett Avenue**

Adopt ordinance No. 7039-X authorizing the use of In Rem Remedy to demolish and remove the structure at (4125 Gossett Avenue) (Neighborhood Profile Area 385).

The ordinance is recorded in full in Ordinance Book 59, at Pages 711.

**Item No. 34: In Rem Remedy: 1420 (Accessory Structure) Riverside Drive**

Adopt ordinance No. 7040-X authorizing the use of In Rem Remedy to demolish and remove the structure at (1420 Accessory Structure Riverside Drive) (Neighborhood Profile Area 156).

The ordinance is recorded in full in Ordinance Book 59, at Page 712.

**Item No. 35: In Rem Remedy: 630 Edgegreen Drive**

Adopt ordinance No. 7041-X authorizing the use of In Rem Remedy to demolish and remove the structure at (630 Edgegreen Drive) (Neighborhood Profile Area 230).

The ordinance is recorded in full in Ordinance Book 59, at Page 713.

**Item No. 36: In Rem Remedy: 733 McArthur Avenue**

Adopt ordinance No. 7042-X authorizing the use of In Rem Remedy to demolish and remove the structure at (733 McArthur Avenue) (Neighborhood Profile Area 363).

The ordinance is recorded in full in Ordinance Book 59, at Page 714.

## **PROPERTY TRANSACTIONS**

### **Item No. 37: Property Transactions - Harbor Drive 12" Water Main, Parcel #8**

Acquisition of 14,173 square feet (.325 acre) in Waterline Easement, plus 10,667 square feet (.245 acre) in Temporary Construction Easement at 12301 Moores Chapel Road from 3F North America, Inc. for \$10,275 for Harbor Drive 12" Water Main, Parcel #8.

### **Item No. 38: Property Transactions - Mt. Holly-Huntersville 11810 Road Sanitary Sewer, Parcel #3**

Resolution of condemnation of 8,055 square feet (.185 acre) in Sanitary Sewer Easement, plus 4,890 square feet (.112 acre) in Temporary Construction Easement at 12001 Mt. Holly-Huntersville Road from Shirley B. Mercer for \$1,475 for Mt. Holly-Huntersville 11810 Road Sanitary Sewer, Parcel #3.

The resolution is recorded in full in Resolution Book 47, at Page 214.

### **Item No. 39: Property Transactions - Mt. Holly-Huntersville 11810 Road Sanitary Sewer, Parcel #4**

Resolution of condemnation of 9,712 square feet (.223 acre) in Sanitary Sewer Easement, plus 5,846 square feet (.134 acre) in Temporary Construction Easement at 11855 Mt. Holly-Huntersville Road from Shirley B. Mercer for \$2,675 for Mt. Holly-Huntersville 11810 Road Sanitary Sewer, Parcel #4.

The resolution is recorded in full in Resolution Book 47, at Page 215.

### **Item No. 40: Property Transactions - McKee Road and Providence Road Intersection Improvements, Parcel #22**

Resolution of condemnation of 890 square feet (.02 acre) in Fee Simple, plus 123 square feet (.003 acre) in Temporary Construction Easement, plus 1,353 square feet (.031 acre) in Permanent Easement at 10523 Providence Road from CSL North Carolina System, LP for \$6,525 for McKee Road and Providence Road Intersection Improvements, Parcel #22.

The resolution is recorded in full in Resolution Book 47, at Page 216

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## **PUBLIC HEARING**

### **ITEM NO. 9: BUSINESS INVESTMENT GRANT FOR RED VENTURES**

**Mayor Roberts** said we need to open a public hearing regarding approval of economic development business development grant for Red Ventures. We have heard this in closed session. A quick summary, this is a proposal for the city to provide a grant estimated in the amount of \$100,211 over five years. The total city and county grant is at \$270,970. This project is going to provide \$5 million dollars in capital investment, which include building improvements, machinery and equipment; 500 new jobs over 5 years with an average annual wage of \$48,930. The jobs will be in the areas of software development, data analysis, information technology, corporate support, sales, and executive leadership. The company also plans to host a job fair for local advocates. The State of North Carolina is also providing a job development investment grant in the amount of \$2.65 million dollars to support those additional jobs in the community. So, do I hear the motion to open a public hearing?

The Mayor declared the public hearing open.

There being no speakers, either for or against, a motion was made by Councilmember Driggs, seconded by Councilmember Lyles, and carried unanimously to close the public hearing.
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Motion was made by Councilmember Lyles and seconded by Councilmember Mitchell to approve the City's share of a Business Investment Grant to Red Ventures for a total estimated amount of \$100,211 over five years.

**Councilmember Driggs** said I just wanted to say quickly that I am very supportive with Red Ventures and appreciate their decision to come to Charlotte. I do not feel that particular grant meets the but/for test is about \$120 million of payroll and \$5 million dollar being , and it is hard for you to imagine that decision turned on our grant so I do occasionally support unlike some people, it is not that I think all insentive grants are wrong, but I think that this is a classic case of one where you have to ask if the but/for test is met. So, soley for that reason and welcoming Red Ventures, I am going to say no, thank you.

**Councilmember Smith** said was I the some person? I do not think this passes the but/for test. I just read a very interesting article where the are doubling the expansion of their headquarters down in Indian Land, which is a very short drive from the City of Charlotte, and they are going to send the call center up here so I am going to kindly welcome them, but not to give them 100 thousand dollars of tax money.

**Councilmember Lyles** said maybe I am not sure what the but/for test is. I would like to actually think our criteria is around jobs and job creation. So, I know that we can have differences but I think that our current policy, until we change it. This met our and so for that reason I think it was approved by the council to be recommended to the full council so I say let's take our vote.

**Councilmember Phipps** said I guess Red Ventures has this campus in University City. I happen to live up that way, and it is a good ways from University City to Indian Land, South Carolina. So, I think for the modest investment that is being asked for that this is a good investment for our city.

Mr. Smith said our policy does have a but/for provision.

Ms. Lyles said I understand that but I was just saying it could have but/for in different meanings of what your but/for and the rest of us had a but/for, maybe that was considering the Read in Gear conversation, appropriate or inappropriate, but I guess what I am saying is we may disagree on what but/for means. That is all I am saying.

**Councilmember Mayfield** said Mr. Mumford is coming up. I did not have a comment. I was seeing if he was getting ready to come, but they have figured it out.

**Councilmember Eiselt** said can I ask for and explanation of the but/for?

**Director of Neighborhood and Business Services Pat Mumford** said what is being referenced is a clause that suggests that without the investment of the local government, the company would not come here. There is also, what has been discussed with Council is that without the local component, the state dollars would not come into play. So, it is but/for that investment. State money would not come and also the company might not choose this location for its expansion.

Ms. Eiselt said in this case was the state money already there?

Mr. Mumford said no ma'am, the state looks for the local participation, city and county and the county approved their portion last week in their meeting.

**Councilmember Austin** said Pat, every time we do these I get calls the next day from people that we are writing a check to these companies. Can you kind of just explain this business incentive grant so maybe I won't get that call this time, just briefly?

Mr. Mumford said sure, there are two components to these. The one is capital investment. The basis of the grant is on that capital investment. So, there is not a check that is written upfront.

The dollars come back in the form of a grant based on already paid property taxes that are associated with that capital investment. Also, there must be the requirement of the jobs and job salary rates to be met for that payment to be made, but the calculation for the payment amount comes from the property taxes already paid.

Mr. Austin so just clear again they pay the taxes and then we reimburse them.

Mr. Mumford said and reimburse of those; a percentage, not 100% of the taxes.

Mayor Roberts said if they do not meet the targets they do not get the incentive?

Mr. Mumford said that is correct. For that year, this is a five year payout. So, they would not get it for one year. If they meet their requirement the next year they are eligible for that years payment, but does not go back to get the previous year.

Ms. Mayfield said Mr. Mumford, I remember when we originally started this conversation but I cannot remember. Is this a call center environment?

Mr. Mumford said the business is telemarketing, but they have a lot of support services so it is a mix of jobs. We have listed what those jobs are. It is a mix.

Ms. Mayfield said I noticed the listing but we did not really have a breakdown with full transparency. I am not a fan of call center jobs because there is no career. They have very high turnover, and there is not really an opportunity to grow with an organization. I do not this we have a breakdown of outside we are saying 500 new jobs over a five year period with 100% local participation. That is not saying that 385 of those are call center related leaving the balance to go between the other departments of sales or retail or management jobs that actually have any growth or sustainability.

Mr. Mumford said it is a mix but again, I do not have a specific breakdown of those 500 jobs and what they are proposing.

Ms. Eiselt said it says here that of the 500 additional new jobs to the site with an average wage of \$48,930, that doesn't sound like your average call center job.

Ms. Mayfield said it is.

Ms. Eiselt said that would leave me to say, I understood Red Ventures to be a fairly sophisticated IT company.

Mr. Austin said I think the jobs were all over the place when we had the presentation. Pat do you want?

Mr. Mumford said I do not have the exact breakdown of what they are proposing for each of those 500 jobs. This is a second expansion for them here in Charlotte. They have, it is listed in the write up, and the 1,278 jobs are the total amount. In there are all of these activities from the technology piece to what people are referencing as call center jobs.

The vote was taken on the motion and recorded as follows:

YEAS: Councilmembers Austin, Autry, Eiselt, Fallon, Kinsey, Lyles, Mitchell, and Phipps

NAYS: Councilmembers Driggs, Mayfield, and Smith

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## POLICY

### ITEM NO. 10: CITY MANAGER'S REPORT

**City Manager Ron Carlee** said I have just a couple of items that I wanted to share with Council tonight. First, I want to update you on an item we discussed in January that the US Department of Transportation announced in December just for the holidays a \$50 million winner take all grant opportunity using smart technologies to help move people and things. We briefed you at the dinner briefing, and you authorized us to proceed with developing a grant application on a very short time frame. We have completed that application, and it was a very exciting and helpful process. We may not win the \$50 million, but we have made some really good partnerships and really good connections. Staff brought together over 50 people from the academic community, non-profit, and private sector to work with staff from multiple departments within the city to develop the grant using something called human centered design, really looking at our solutions from the end users and the people that we would be trying to help with the smart technologies and transportation proposal that we made. We have, of the 32 letters of support with our application, certainly from our academic community, people that you know: Central Piedmont Community College, Johnson C. Smith, Queens, and University of North Carolina at Charlotte; non-profits such as AARP and Center City Partners and Chambers of Commerce, Code for Charlotte, Crisis Assistance Ministry and others. In our private sector endorsements of our grant application we have some names that you will recognize such as AT&T, Cisco, Duke Energy, Erikson, ESRI, Ford, General Motors, IPM, Lyft, Microsoft, Uber and others.

The collection of people that came together and attended the kick-off, no one in the room knew everyone else in the room. It was a very diverse group of people with some of the private companies sending people from out of town to partner with us to work on an application. It has three major components. One is connecting community. It is looking at data and analytics to help design the smartest ways to move people around and connect people with a real focus on the digital divide. A second component is moving people. Here we are looking at primarily what is referred to as first mile and last mile. How do you get people from where they live to where they want to work? We have talked about this in fact at our retreat. There is some discussion about how do we get people where they are living to where the jobs are, as well as to shopping, and to medical appointments and others. Then the third is moving things. Looking at how we provide more expedited transportation for moving freight, recognizing the logistics industry that is so important for the City of Charlotte. So, our application is in. The USDOT is planning on announcing the five finalists on March 12<sup>th</sup>. We are hoping that we will be one of those. Then after that we would have to submit our final application by the end of May with a June selection. As I said, we may or may not win, we think we have an excellent application but even if we do not we have made new connections and new opportunities to do public, private, non-profit partnerships in our city. The second item I want to give the City Council a heads-up on is next Monday night, we have a zoning meeting. Staff informs us that this will be a very heavy agenda. I would like to give you an opportunity to think about how you want to handle that. We will be using some new rules this time. While the dinner briefing will start at five, the plan is to go into the actual meeting at 5:30. So, it is a shortened dinner briefing, but at this point our best projection is that all of the items under consideration including two historic landmark public buildings, 16 decisions, and 21 rezonings would take approximately seven hours to complete. This is based on tracking how long it has taken on average on some of these items. There are a couple of options we would like for you to consider. One of course is that you could try to complete the agenda next Monday night. We anticipate that it would run well after midnight. The option which we have discussed with you previously is setting an ending time of around 10:00 p.m. and in that kind of time frame, it would provide you five and a half hours of action which would enable you to get through two of the historic landmark public buildings, the 16 decisions and probably 10-15 of the hearings. You would then have one and a half to three hours of work

remaining. The options which we would ask that you consider, the one that we have anticipated when we brought you the new rules was to carry over to the next business meeting; however, the next business meeting is the 22<sup>nd</sup>, which is where you have been considering hearing the non-discrimination ordinance. So, that will be a very long meeting in and of itself if history is any measure.

So, therefore the other alternative I would ask for you to consider would be differing the remaining items to a special meeting on February 29<sup>th</sup>. That is a Monday. It is the 5<sup>th</sup> Monday, and you are not otherwise scheduled to have the meeting that night. The other option that was raised late this afternoon would be to have a council meeting after your budget workshop meeting on Wednesday the 24<sup>th</sup>. So, I am not asking for a decision on those tonight. I wanted to get those in front of you and for you to check you calendars. We will have conversation with you, but it does look like in February that we have seven hours plus or minus of Council deliberation, of zoning decisions, and rezoning. That concludes my report for tonight Mayor.

**Councilmember Eiselt** said with regards to the smart technology grant, is the group that you convened going to stay active regardless of whether they win or move forward to the next phase?

Mr. Carlee said I expect in some phase that it will. We will be maintaining some contact with them while we are waiting on the federal government to decide on the top five. Because this is such a short period, we want to continue to develop our ideas. Then, if we do not get the grant, we want to look at the ideas that we generated and assess which of those we may want to try to advance ourselves. Again, we are using a public, private partnership to leverage the creativity across the community.

**Councilmember Autry** said my question is regarding the zoning meeting. Will you poll us with an email or give us phone calls or how will you?

Mr. Carlee said yes, sir. We will reach out to you. We will give you an opportunity to think about it and have conversations amongst yourselves, look at your calendars and we will be in touch with you this week to find out what the consensus of the Council is.

**Mayor Roberts** said any other questions about that possible extra meeting? It sounds like there is going to be too much to do in one night.

**Councilmember Fallon** said what time is the budget meeting?

Mr. Carlee said I believe it is a 1:30 p.m. to 4:30 p.m. meeting.

Ms. Fallon said it should last for what?

Mr. Carlee said I would expect that it last the full time. This is your first workshop.

Ms. Fallon said so if we did it on the extras of that, what time would it be?

Mr. Carlee said you are currently scheduled to end the budget workshop at 4:30 p.m. We could move the workshop to start a little later and have you go from that directly into a Council meeting that night. Again, we can adjust based on will work best with your schedules' and what your endurance capability is. We don't want to just find ourselves with a lot of hearings still to go at nine or ten or eleven o'clock next Monday night and be floundering or go to the point where it is really not an effective conversation.

**Councilmember Phipps** said I know that we made a decision tonight on another meeting on the 22<sup>nd</sup>. I was wondering how firm that was?

Mayor Roberts said we voted on it.

Mr. Phipps said so the option would be to either have it after the budget meeting or using that fifth Monday as a time that we would meet.

Mayor Roberts said sounds like between the 24<sup>th</sup> and the 29<sup>th</sup> we will have some feedback.

Ms. Fallon said because we are here already, we might as well get it done. We are here already.

Ms. Carlee said that is why we wanted to give you options to see what works best for you.

Mayor Roberts everyone can check your calendars on that evening and the next day and we will come up with that decision hopefully before the meeting.

Mr. Carlee said yes, and we will try to estimate at what point we would close off based on the agenda item. We would try to have all of the protest hearings on next Monday night, try to get those that are more controversial where people can come and be heard and knock those out as first priority.

Ms. Fallon said on the protest meetings, I thought that we are not allowed to do that anymore.

Mr. Carlee said there are still some that were filed prior to the adoption of the new law.

Ms. Fallon said many?

Mr. Carlee said no ma'am.

Ms. Fallon said after that then there is no more?

Mr. Carlee said there are, for the hearing coming up, there are two protested petitions.

Ms. Fallon said Bob, has that been taken to court?

**City Attorney Bob Hagemann** said a lawsuit has been filed against the City for a relatively recent rezoning where the petitioner initially applied, and it was protested.

Ms. Fallon said that I know. I mean the state thing, because really you shut off the public from being able to say what it wants to say about something that they do not like. I know we have the no home rule but is someone taking Raleigh to court?

Mr. Hagemann said I do not see any legal basis to challenge that new legislation. The legislature created the protest petition, and they can eliminate it.

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#### **ITEM NO. 11: NEIGHBORHOOD MATCHING GRANTS PROGRAM CHANGES**

**Councilmember Mayfield** said so tonight Mayor and Council, we are being asked to adopt divisions to our Neighborhood Matching Grants Program. As a reminder, the Neighborhood Matching Grants Program began in 1993 and provides matching grants up to \$25,000 per application to eligible neighborhood organizations within the City of Charlotte. The goal of the program is to empower neighborhoods to implement self-determined projects that build neighborhood capacity and improve the quality of life. The program is managed and administered by the community engagement division within the city's Neighborhood and Business Services Department. Neighborhood and Business Services staff provided several briefings on the recommended changes to housing and neighborhood development committee, most recently, during the months of November 2015 and January 2016. I am confident that the recommended program revisions are grounded in a review of peer cities and best practices that will enable us to continue to provide resources to our neighborhood. Before making the motion I just want to take a moment to acknowledge and thank my fellow committee members that have hit the ground running for us to be able to bring us forward to you and for us to be able to move forward with full committee support to bring this forward.

Motion was made by Councilmember Mayfield, seconded by Councilmember Austin and carried unanimously to adopt the Housing and Neighborhood Development Committee recommendation to approve changes to the Neighborhood Matching Grants program.

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## BUSINESS

### ITEM NO. 12: ARTERIAL CORRIDOR STUDIES

**Mayor Roberts** said this is going to be to prove a contract with Stantec Consulting Services for arterial corridor studies. First we are going to have a presentation on this by Norm Steinman from Transportation.

**Norm Steinman, Transportation** said first, let me explain that the title of this effort is a little bit non-descript. As I go through the description of the purposes I hope this becomes a lot clearer. We tried to use the fewest words possible on the title but it doesn't explain what we are trying to accomplish. The two actions requested are in your agenda packet tonight. First, is to approve a contract with a value of up to \$250,000 with Stantec Consulting Services, Inc. to perform these studies. The second one is to authorize you, to have the City Manager, amend the contract if necessary consistent with the City's business needs and the purpose for the contract. Now, these are the real purposes of the particular study. It is really about providing more and better opportunities for pedestrians and cyclists to travel safely and comfortably across and along the thoroughfares in the City of Charlotte. The second purpose is to decide on what we do when there is no private development that is taking place as intensively as along the South End for example. When that happens, based on the zoning requirements private developers change the streetscape. They change the sidewalks, the width of the sidewalk, install planting strips in some cases, some other measures that make it easier for people to ride bicycles or walk along or across the arterial. The difficulty that we have sometimes is deciding how much public investment to make in those places when there is no private investment that is imminent or likely to happen along an entire segment of an arterial. So, what do we mean by deficient conditions? Well, we have somebody trying to ride a bicycle with no facilities at all to travel along the arterial. Someone is trying to walk on the street with no sidewalks or crosswalks. Somebody is trying to walk on a sidewalk that is way too narrow and back of curb when traffic is moving at high speed and high volumes directly next to them. Then the one where people are trying to walk in what is really a turn lane for in this case a ramp onto a freeway. We have done dozens of projects in the past ten years or so that have provided remedies for these kinds of deficiencies, and so these corridor studies that we are about to embark on are not going to be in those places. We are going to be looking at places where we have not done recent projects to make it easier for people to walk or ride bicycles along or across the arterials.

The first corridors to be studied are intended to be in the South End. The first is South Boulevard from uptown to approximately Greystone Road which is near the CATS Vehicle Maintenance facility. The second one is South Tryon Street, which is parallel to South Boulevard, from again uptown to about Griffith Street. The next one that is expected to be included and they say that pending action by the Transportation and Planning Committee is Parkwood Avenue and the Plaza. This one comes about from a set of petitions that have been signed by hundreds of people interested in making it easier to walk or ride bicycles along and across Parkwood Avenue and the Plaza. So, depending on the action taken by the Transportation and Planning Committee, this may be another corridor included in this study. Here is an aerial photo of South Boulevard, and you know that it has been intensively redeveloped. I have heard of economic real estate consultants state that she thought this was the most intensive amount of redevelopment that has been created along any light rail transit corridor in the United States which is even a more positive thing to hear. This is South Tryon Street, which when you look carefully at this photo is almost more at the edge of where the redevelopment is taking place, but there is redevelopment taking place along here. So, this gives us an example of where it is not going to be as continuous or as intensive maybe as along South Boulevard for a while, then Parkwood Avenue, which is going to be a major entry way into the light rail station of the Blue Line extension.

Our work is going to be based on the area plans as it is with almost anything we do when we get into this kind of detail, and we will start with the recommendations of the area plans. These

contain the descriptions of the proposed cross sections. We will look at those carefully to see what changes might be necessary or possible for different kinds of ideas. We will do the same thing for Parkwood, which is one transit station areas along the Blue Line extension.

Then we will come up with a variety of outcomes from these studies depending on what is deemed feasible. We are going to look at two kinds of actions, short-term and relatively low cost actions and medium term probably higher cost action. These are starting with the lower cost actions, including better marked crosswalks going on to installation of special kinds of signals for pedestrians and bicyclists, going on to what is called bike boxes, which is where bicycles can be placed so that they do not need to wait for as long as they otherwise would and never be recorded to pass the traffic signal register. This is an example of a cycle track. Yes, this is in Vancouver, Canada but we will have our first one in Charlotte here sometime in 2016. Then this is more extensive transformation of the street with median, landscaping wider sidewalks, place to wait from back of the curb as well as bike lanes. Then this is the kind of redevelopment that takes place when there are transit oriented development zoning or similar mixed-use development zoning ordinances in place that require for wider sidewalks and better sidewalks to be installed. Other outcomes of these studies are more information as to what are the most effective ways for us to engage the community. We are going to conduct walking tours and charrettes. We are going to compare our policies and criteria against those of other cities to see if we are keeping up with the most current ways that transportation departments in other cities look at projects in arterials and their arterials and we are going to come with suggestions for implementation in other corridors right here in Charlotte. So, we will learn from the corridors studies as we are doing them. Again, the funding sources adding up to the \$250,000 are \$200,000 in Federal Planning Grants. We requested the grant from the MPO and secured a \$200,000 grant matched by \$50,000 of our operating funds. These are the two actions that we are requesting. Are there any questions?

**Councilmember Phipps** said did we miss an opportunity given all of the intensity of development along the South End Corridor to more or less ensure better walkability and bike ability when a lot of that development was going on in the South End related to light rail construction?

Mr. Steinman said I think that we will confirm that the sidewalks have gotten wider, that there are better streetscape features that have been installed compared to what existed before the development that it is clearer now to what the delineation between the sidewalks and the parking lots and the driveways. I believe that we have made the provisions for either installing bike lanes now or reserving the space for that to happen in the future with more development. So, I would say in general, no, I do not think that we missed the opportunity.

**Councilmember Driggs** said are the projects that are contemplated by this funded through the CIP? Do we already know what the implied cost is of actually implementing the recommendations that this study will make?

Mr. Steinman said well actually that is an excellent question because I would put the answer in the two categories. The low cost projects, the ones that have to do with pavement markings or paint, those kinds of things we can accomplish within our current operating budget and some of the capital programs in the CIP. When we get to the higher cost facilities where there is more construction, more cement, more landscaping, those may not be included in the current CIP.

Mr. Driggs said I would just like to comment. This would be a great opportunity for some investment to come to District 7 since I have talked in the past about how we do not see any. There are a couple of places that, I was knocked off of my own bicycle in District 7. I have a personal stake here. I will get back to you with some suggestions. I just hoped that maybe we could see a little bit of that come down to my district. Thank you.

**Councilmember Fallon** said do we track whether they are used or not? I have bicycle lanes that no one is ever in.

Mr. Steinman said we do to some counts of the use of the bicycle lanes. As our network gets more extensive and get more connections from the bicycle use to the bike routes onto the trails we will be doing more counts.

**Councilmember Autry** said thank you for the great presentation today during the Transportation and Planning Committee meeting. I would just also like to remind Council that whenever we said that wanted to look at Parkwood that I mentioned Sharon Amity and the conditions that we have there and the Castleton Junction with Sharon Amity and how dangerous that has been over the years. I would hope that we would be able to focus on these other areas throughout the city as soon as possible. We know that we are looking now at a lot of it in the South End but as we have discussed earlier today that we need infrastructure going east and west also because there are some folks in the East side have a challenge maintaining an automobile and the opportunity to have protected bicycle infrastructure so that people could get to work, retail and eating establishments that they want to go to. It would be nice to have that opportunity afforded to them in our Democratic society that we be sure that we put that infrastructure in all parts of the city. Thank you Mayor.

**Councilmember Lyles** said I would just like to say that it is a nice problem to have when people are excited about every area of the city having a more pedestrian and bike-able friendly environment. I know that it is challenging, but at some point it is beginning to change the way that we look at roads, and I hope that this study will not only address what we should be doing but as we are building this afternoon we had a presentation by Mr. Steinman during our Transportation Committee where they reminded us that most of our roads are built through the development process. So, again we have the opportunity to tie together how we do this in the future by looking at that process as well as beginning to retrofit in these areas that are so important to our economic opportunity process, as well as the opportunity for everyone to be able to be safe. I think that one of the keys about this is that I may be a little bit reluctant to be in a five foot lane with a white stripe versus to something grade separated or the opportunity for mothers to carry kids in the little buggies, it is just not quite safe enough. The more we get out there though, the more people will see the value that we are adding and the safety will increase with the numbers. Thank you for having this problem to solve.

Motion was made by Councilmember Kinsey and seconded by Councilmember Austin to (A) approve a contract for up to \$250,000 with Stantec Consulting Services, Inc. for Arterial Corridor Studies and (B) authorize the City Manager to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.
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Mayor Roberts said we have a speaker to speak about that before we vote.

**Meg Fencil, Sustain Charlotte** said I am the Education and Outreach Director at Sustain Charlotte. I am here to night to thank you for making a major investment for the future of our city and to ask you to continue investing. The proposed arterial corridor studies will create a clear path making for best possible investment of our transportation dollars. As we transform Charlotte's high capacity urban roads to provide safe and accessible transportation choices to people of all ages and abilities including those who choose not to or cannot drive a car. For many decades we have just designed our roads to move as many cars as possible, as fast as possible. Thankfully that has changed, but we still have a lot of catching up to do. In our rapidly urbanizing area the sustainable way forward and the national bench mark is to redesign roads to not only move our vehicles efficiently but also to serve people on foot and on bikes. Our city staff has done and is doing an incredible amount of work to transform our transportation network. We need to do more to build the sidewalks, crosswalks, protected bike lanes, and other improvements to create a world class city that is sustainable for generations to come. Other cities that have invested in bicycle and pedestrian infrastructure have seen tremendous benefits, for economic vitality. After the construction for a protected bike lane on 9<sup>th</sup> Avenue on New York City, local businesses saw 49% increase in retail sales. For environmental and human health, as EPA standards for ground level ozone have become more stringent, safe bicycle and pedestrian infrastructure can clear the air by getting people out of their cars. For social equity children from low income and minority households are more likely to walk or bike to school. Older adults' cite personal mobility is one of the major factors for whether they can stay in their homes or not as they age. Also for safety, when protected bike lanes were installed in New York City, injury crashed for all road users, including bicyclist, pedestrians, and drivers, typically dropped by 40%. We ask you to include Parkwood Avenue and the Plaza in these studies. As you heard directly from the Neighborhood residence a few months ago, this area urgently needs a street redesign after a long history of violent and deadly crashed. It needs to happen in a timely and purposeful manner before the area is transformed by redevelopment. We also ask you to continue

investing effort and funding in moving Charlotte forward beyond the planning and study of better streets. When it comes time to build the projects recommended by this study we need to build.

Mayor Roberts said thank you Ms. Fencil; we appreciate your input. Those are all of our speakers, and we had a motion and we are ready to vote.

The vote was taken on the motion and recorded as unanimous.

Mayor Roberts said we will get working on those arterial corridor studies.

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**ITEM NO. 13: SOUTHEAST CORRIDOR INFRASTRUCTURE PLANNING AND DEESIGN SERVICES.**

Mayor Roberts said this item has been deferred.

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**ITEM NO. 14: APPLIED INNOVATION CORRIDOR INFRASTRUCTURE PLANNING AND DESIGN SERVICES**

Todd DeLong, Neighborhood and Business Services said this evening we are asking Council to approve a contract in the amount of about \$4.2 million with HDR Engineering for planning design services associated with Applied Innovation Corridor. Last October we presented an update to the Council workshop on our efforts in the Applied Innovation Corridor. As a brief reminder the Applied Innovation Corridor came out of the 20/20 Center City Vision Plan. It begins in the South End, works its way up through Uptown on into North End and terminating in the UNC Charlotte area. The Applied Innovation Corridor sometimes gets confused as an innovation district. It is not a district. It is just too large to be a district. All of the academic and best practice research suggests that districts are more physically compacted, have easy access to transit, walkable, and an area where like-minded individuals who are looking at that innovation economy really are concentrating and can develop that in close proximity to each other. The North End smart district was actually a part of the Applied Innovation Corridor it was considered as part of the application for the Smart Cities Challenges Program was actually a great example of the evolution of the work that we are building upon, coming out of the 20/20 Vision Plan.

The North End smart district really has three primary components with it: connecting community, moving people, and transportation of things which would be freight and distribution of logistics. One of the ultimate goals of that grant will help us identify cutting edge solutions to some of the challenges that we face coming from the growth and mobility in the North End area. Again, it really exemplifies how distinct districts can be formed within the larger Applied Innovation Corridor particularly with the three geographic areas that were carved out within that grant application. One being the airport, another being the North End smart district, and the third is near the UNC Charlotte area. So, all three of those areas are tied together within our Applied Innovation Corridor. For purposes of the CIP, the Applied Innovation Corridor with the CIP dollars are really focusing in on the North End piece of it. So, we are continuing to think big but implement small and by implementing small I mean implementing from the neighborhood and community base level. We are really trying to accomplish creating that sense of place. So, the strategic deployments of CIP dollars can really help set the stage for an environment or place where people want to live, work, and play. Success ultimately is dependent on our ability to show the world that there is a [inaudible.] If one of our partner organizations, a chamber, or Charlotte region of partnership or somebody else is taking a perspective employer around and looking at the North End right now and saying I do not see this vision. So, what we are really trying to do is create those foundations so when people see it they get the vision and want to be a part of it going forward.

Over the last 16 plus months we have been engaged in an advanced planning effort throughout the corridor. Part of that advance market effort includes a marketing study that looked at the challenges and the opportunities of redevelopment opportunities in the area. The market study highlighted several of the strength, proximity, uptown accessibility and to the interstate system, as well as key locations within the North End that are really able to catalyze further redevelopment. A couple of those are Brightwalk, the Hercules site, the Rite Aid site, the Fire

Department Headquarters, the Joint Communications Center, obviously the Blue Line extension would be one of those and the activity currently going on in the NoDa area. Some of the challenged that were presented from that analysis could really be turned in to opportunities. We have the industrial field, which was identified as a challenge. If you think about the market they were really trying to establish here at the North End area the industrial field really gravitates towards where the market is going in terms of the shared space, the tech hubs, the folks who really want that loft space from the commercial respective as well as for residential. Also, a part of the advance planning was the community engagement. We made a very intensive community engagement effort with those folks and stakeholders in the North End community. We had over 23 stakeholder interviews; we had three to four public meetings in the area. So, all of those really come to find out are testing the assumptions that we had in our analysis and our studies as well as finding and identifying new opportunities for deploying those CIP dollars in a more strategic manner.

The projects being considered as part of this planning and design study are the Matheson Avenue Street Bridge Streetscape, the North Tryon Street gateway project, the 16<sup>th</sup> Street Streetscape, a multiuse path that connect Statesville Avenue, Graham Street, and North Tryon Street and the fifth of the planning design projects is a realignment of Newland Avenue and Norris Avenue. From a planning perspective, only planning is the North Graham Streetscape Project. The North Tryon Gateway project, and the multi-use path, and the Newland Avenue realignment came directly from the advanced planning effort that we went through. The other three projects that I mentioned were identified prior to our advance planning but those were actually tested and confirmed in those public meetings during the advance planning effort. All of the projects include consideration of pedestrian, bicycle and other forms of aesthetic improvements. They all complement other public investment in the area and the provide opportunity to leverage private investment going forward.

To wrap up the Council action again, the request is to approve a contract in the amount of approximately \$4.2 million dollars with HDR, for planning and design services within the Applied Innovation Corridor. The \$4.2 million comes from the \$12.4 million that was approved during the 2014 bond referendum; remaining project funding is scheduled for 2016 and 2018. So with the 2014 bond referendum, we do not have sufficient funds to actually carry these projects through construction. We have enough to get through the planning design, and once the 2016 and 2018 bonds, assuming they are approved, we can actually get those plans teed up to start getting into acquisition in the construction stages of the development of those projects. Are there any questions?

**Councilmember Smith** said at the retreat we discussed Applied Innovation Corridor and I believed it was more in a framework of marketing efforts to try to rebrand it. I just want to make sure that anything that is predesigned in here comes to construction phase. If we change the directions in any sort I assume this infrastructure is going to help whatever happens there A and then B is my remembering of that correct that that is more of a marketing, branding, more so than change of overall scope of design of what we are going to do over there.

**City Manager Ron Carlee** said I would say that that is totally accurate. As Mr. DeLong said, part of what we are trying to do is create a [inaudible] that enables us to actually proceed with the marketing and bring in the kind of private investment that we think the area is right for.

**Councilmember Phipps** said I did not hear you make mention of the ULI study. I was wondering, how did we leverage that ULI study for input to this particular proposal.

Mr. DeLong said The ULI study was used during our community engagement effort and it is really part of also the North Tryon study to help us identify and test on the assumption that came out of those studies with the community to figure out which are our highest priorities going forward.

**Councilmember Driggs** said I am not criticizing or questioning this but \$4.3 sounds like a lot for outside services, so, is it normal to go beyond city staff to be outside for 15% of the project cost just for design phase activity?

Mr. DeLong said that is something that I am actually ill-equipped to answer so Tim from engineering could actually come down and help.

**Tim Greene, Engineering and Property Management** said yes, it is standard for us to go outside. Very little is done in-house. About 10% of our workload in Engineering and Property Management is generally smaller type projects such as sidewalks, small intersection improvements, that kind of work.

Mr. Driggs said do I expect that there will be any more money needed for this type of service or does this cover the whole project?

Mr. Greene said this covers the whole project. We tried to put enough to cover all of the high priority projects that Todd mentioned. If anything changes over the next few years where we need to reprioritize or reallocate those design funds we can do that.

**Councilmember Austin** said mine is mostly a comment. Councilmember Patsy Kinsey and I had an opportunity to meet with some very passionate leaders in the area and it is good to see that we are continuing to try to invest in this area. So, the communities of Brightwalk and Druid Hills and others are looking forward to really the city investing some time and energy so that they too can enjoy some of the fruits of Charlotte's success. So, I am defiantly going to be supporting it, and thank you to Councilwoman for helping me through those discussions.

Mayor Roberts said terrific. I do have a point of clarification. A couple of us know that we have different numbers in our agenda. Is it a \$4.2 million contract or a \$2.8 million contract?

Mr. DeLong says it is \$ 4,259,560.

Motion was made by Councilmember Kinsey, seconded by Councilmember Austin, and carried unanimously to approve a contract in the amount of \$4,259,560 with HDR Engineering, Inc. of the Carolinas for planning and design services within the Applied Innovation Corridor.

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#### **ITEM NO. 15: NOMINATIONS TO THE ARTS AND SCIENCE COUNCIL ADVISORY COUNCIL**

**Mayor Roberts** said next we are moving into several different nominations to different council advisory committees and boards. The first of these is the Arts and Science Council. I know we have quite a few different geographic districts advisory councils, a few different appointments from different councilmembers and I think we are not going to do all of these tonight because we have not gotten all the nominations. Madame Clerk, can you tell me what we can do tonight?

**Deputy Clerk Emily Kunze** said I would think that we would just announce the nominations and bring it back for voting at a subsequent meeting.

The following applicants received nominations for eleven (11) appointments for a one-year term, with these first appointments beginning January 1, 2016 through June 30, 2017:

##### **Central Advisory Council – 5 appointees:**

**District 1 (1):** No nominations.

**District 3 (1):** Tracey Wopperer, nominated by Councilmember Mayfield.

**District 5 (1):** Alan Davis, nominated by Councilmember Autry.

**At-Large (3):** Ted Benjamin, nominated by Councilmember Autry.

Jason Bernd, nominated by Councilmember Fallon.

Pat Brisena, nominated by Councilmember Autry.

Francene Greene, nominated by Councilmembers Austin and Autry.

Sheila Mullen, nominated by Councilmember Fallon.

Tracey Wopperer, nominated by Councilmember Fallon.

##### **North/ West Advisory Council – 3 appointees:**

**District 2 (1):** Gary Leake, nominated by Councilmember Austin.

**District 4 (1):** No nominations.

**At-Large (1):** Sherri Belfield, nominated by Councilmember Austin.

Tiffany Capers, nominated by Councilmember Lyles.  
Jeff Wise, nominated by Councilmembers Austin and Fallon.

**South/East Advisory Council – 3 appointees:**

**District 6 (1):** No nominations.

**District 8 (1):** No nominations.

**At-Large (1):** Michelle Butler, nominated by Councilmember Lyles.

Mayor Roberts said it sounds like we need to keep the nominations open because we have so many holes still.

**Councilmember Smith** said is it possible, with this change in format, do we have someone from ASC, is there somebody we can help link up with for the specific district appointments? Typically for these you have a pretty broad base of folks coming in with the narrow scope. It might be helpful if they can help give some guidance on where some of the input may lie? We often take recommendations from various entities and groups for appointing boards; so, I just think that it could be helpful.

Ms. Kunze said we will reach out to the staff advisor and let them know that you all need some help with filling these spots.

Mr. Driggs said how has this been advertised? I mean, I am not sure that people are really aware.

Ms. Kunze said our office just handled the balloting part. I am not sure what was done outside of the office.

**Councilmember Eiselt** said ASC held three opportunities for city, county, and school board members to come and hear what they are doing and how they are reorganizing. That was really one of their big opportunities to push it out through public officials, to try to ask people who might be interested in their district who might be interested in getting involved. That was their way of explaining it to the public officials.

Mr. Smith said I think that it is a great way to do it. I just want some help and guidance.

Mayor Roberts said okay we will get back with the Arts and Science Council and get some suggestions. Anybody watching, who's interested in serving on the Arts and Science Council Board there are many different appointees that we will be talking about; there are a lot of different opportunities to get involved.

**Councilmember Fallon** said this new format, why are we doing it because it is much harder to read than the old format?

Ms. Kunze said do you mean just for the Arts and Science Council?

Ms. Fallon said for everything. It is a different way of putting those things in. The applications are totally different.

Ms. Kunze said we went to a new system in June and we have addressed the redaction issue so you guys will not see that anymore.

Ms. Fallon said everything is gone and second of all, you really, unless you go searching, do not know what you are looking at because the name is not at the top any longer.

Mayor Roberts said if you have any suggestion for how we can improve the format let our Clerk know, we will pass it on. We will keep this one open until our next meeting for more nominations to the Science Council Advisory Councils.

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**ITEM NO. 16: NOMINATION TO THE FIREMEN'S RELIEF FUND BOARD OF TRUSTEES**

The following nominations were made for one appointment for a two-year terms beginning immediately and ending January 18, 2018:

Dieatra Blackburn, nominated by Councilmembers Austin and Kinsey.  
Henry Donaghy, nominated by Councilmembers Driggs, Eiselt, Fallon, Lyles, Mayfield, Mitchell, Phipps, and Smith.

Motion was made by Councilmember Driggs, seconded by Councilmember Phipps, and carried unanimously to appoint Henry Donaghy by acclimation.

Mr. Donaghy was appointed.

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**ITEM NO. 17: NOMINATIONS TO THE PASSANGER VEHICLE FOR HIRE BOARD**

The following nominations were made for two appointments for unexpired terms beginning immediately and ending July 1, 2018:

**Category 4- One user of passenger vehicles for hire**

John Ashbury, nominated by Councilmembers Austin, Autry, Driggs, Eiselt, Fallon, Kinsey, Mayfield, Mitchell, and Phipps.

**Category 2- Driver or Chauffer**

Rudolph Kirkpatrick, nominated by Councilmembers Autry, Eiselt, Fallon, Kinsey, Mayfield, Mitchell, and Phipps.

Motion was made by Councilmember Mitchell, seconded by Councilmember Driggs, and carried unanimously to appoint John Ashbury for Category 4, and Rudolph Kirkpatrick, Jr. for Category 2.

Mr. Ashbury and Mr. Kirkpatrick were appointed.

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**ITEM NO. 18: NOMINAITONS TO THE PRIVATIZATION/ COMPETITION ADVISORY COMMITTEE**

The following nominations were made for two appointments for two-year terms beginning March 2, 2016, and ending March 1, 2018:

Sarah Cherne, nominated by Councilmembers Driggs, Eiselt, Fallon, Kinsey, Mayfield, and Smith.

Felicia Fletcher, nominated by Councilmembers Austin, Autry, Kinsey, Lyles, Mayfield, Mitchell, and Phipps.

William Lilly, Jr., nominated by Councilmembers Fallon, Kinsey and Lyles.

Matt McDonald, nominated by Councilmembers Driggs, Eiselt and Fallon.

James Marascio, nominated by Councilmembers Driggs, Eiselt and Phipps.

Warren Neff, nominated by Councilmember Phipps.

Emmanuel Reid, nominated by Councilmembers Austin, Autry and Lyles.

Motion was made by Councilmember Lyles, seconded by Councilmember Mayfield, and carried unanimously to appoint Sarah Cherne, reappoint Felicia Fletcher, and bring back the remaining appointment at next business meeting.

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**ITEM NO. 19: NOMINATION TO THE TRANSIT SERVICES ADVISORY COMMITTEE**

The following nominations were made for one appointment for a local service passenger representative for a three-year beginning immediately and ending January 31, 2019.

Terry Lansdell, nominated by Councilmembers Austin, Autry, Driggs, Kinsey, Mitchell, and Phipps.

Stylios Alatsis, nominated by Councilmember Mayfield.  
Corine Mack, nominated by Councilmember Fallon.

Motion was made by Councilmember Autry, seconded by Councilmember Kinsey, and carried unanimously to appoint Terry Lansdell by acclamation.

Mr. Lansdell was appointed.

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#### **ITEM NO. 20: NOMINATION TO THE ZONING BOARD OF ADJUSTMENT**

The following nominations were made for one appointment for an unexpired term beginning immediately and ending June 30, 2016:

Nichelle Bonaparte, nominated by Councilmembers Austin, Autry, Mayfield, Mitchell and Phipps.

Scott Compagna, nominated by Councilmember Smith.

Jessica J. Meyer, nominated by Councilmember Kinsey.

Irving M. Schwebel, nominated by Councilmembers Driggs, Eiselt and Fallon.

Motion was made by Councilmember Lyles, seconded by Councilmember Austin, and carried unanimously to bring back this item at the next business meeting.

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#### **ITEM NO. 21 MAYOR AND CITY COUNCIL TOPICS**

**Councilmember Mayfield** said I want to invite my colleagues as well as the members of District 3. We have hosted a District 3 town hall meeting since I was first selected to Council. We are actually going to be going with a different model this year. We are going to host the four budget charrettes. So, there will be two budget charrettes prior to our budget cycle and two that will be updates afterwards to get the community an opportunity to actually learn what our budget process looks like. I want to thank Kim Eagle and her entire team. I would like to thank Ms. Oliver and our support staff and all of our staff that we have to put this together. The first charrettes will be coming up on Saturday morning, February 20<sup>th</sup> from 9:00 a.m. to noon. It will be held at the West Service Center. That is the CMPD location, located at 4150 Wilkinson Boulevard. We will have light refreshments, coffee, and juice for you that morning, but the biggest piece is that I want people to come ready for a little entertainment because we figured out a way to turn the budget conversation into more of a game format. So, we will help line out what our budget discussions are identified, your funding, then as a group you will look at ways that you can suggest for us to consider our focus areas and how we fund them. Then we will have a really good discussion. We are also going to have our community partners there. For this first meeting my special guest will be the Mecklenburg County Health Department which will present details on the county's top health concerns and preventative measures to address and identify issues. They should also have one there that they will be speaking on the Zika virus and what we are hearing regarding that across the nation. Also, any other county related health issues that have been bubbling up locally. So, we would love for you all to come out, again Saturday, February 20<sup>th</sup> 9:00 a.m. to noon at 4150 Wilkinson Boulevard, the West Service Center.

**Councilmember Smith** said I do want to congratulate the Panthers and thank them for a sense of community. The last two weeks in Charlotte has been incredible. One of my neighbors put probably an 8 x 10 sign on their front door. Kids were making signs. The pre-schools, elementary schools, Friday drop off our school mascot at Selwyn had a Panther's jersey on. While we came up a little bit short, it was a great two weeks for our city and 17-2 will turn the same team. Keep on pounding! Good luck next year and thanks for everything that they did for our community.

**Councilmember Phipps** said I want to thank all of the organizers and participants and the community at large that came out on January 26<sup>th</sup>. They came out to Northeast corridor transportation update meeting. We had the CDOT, NCDOT the rail division, Park and Rec, and just a host of different transportation staff out there to just go over and explain all of the different

projects going on in that Newell-Rocky River Corridor. So, I just want to thank everybody for their hard work and making that update meeting a success. I thank Councilmember Lyles and Councilmember Eiselt for coming out and meeting the people, fellowshipping, and listening to their concerns.

**Councilmember Mitchell** said the CIAA is right around the corner. It will be February 22<sup>nd</sup> to the 27<sup>th</sup> and on Saturday, February 13<sup>th</sup> we will be having our first event called the Countdown to the CIAA. We have two outstanding speakers, Dr. Dennis Kimbro who focuses on how to create wealth and Dr. George Fraser who will talk about Click-It, how to increase your ability to network among one another. This event is free. It will be held in the campus of Johnson C. Smith University in the new science building auditorium. The seating capacity is 200. Please, if you are interested in attending, email me at James.Mitchell@charlottenc.gov. That is this Saturday, February 13<sup>th</sup> from 1:00 p.m. to 4:00 p.m. Come out to see two dynamic speakers. Also, get a chance to purchase your CIAA tickets for the game.

**Councilmember Lyles** said I would like to talk about Black History Month, which is February. I want to read a quote by Mr. Muhammad, Director of the New York Center for Research on black culture. He said Black History Month is a seamless part of the national story and is a central part of the narrative of the American past. I would like to announce that tomorrow, February 9<sup>th</sup>, through Thursday, February 11<sup>th</sup> there will be a black inventors exhibit featuring the Underground Railroad with tours available from 10:00 a.m. to 2:00 p.m. and 4:00 p.m. to 8:00 p.m. at no cost to the public. Saturday February the 20<sup>th</sup> there will be a Black History program that begins at noon. Both of these events will be occurring at the Wallace Pruitt Recreation Center, 440 Wesley Heights Way Charlotte, North Carolina. I hope you will get out and learn something new about our history in this community. Please try to drop by.

**Mayor Roberts** said I just want to give a quick shout out to Don Hill and the awards ceremony that she ran last Friday night for the Mayor's Mentoring Alliance. There were some incredible stories of mentors and mentees and lives that have been changed. It was at IMAGINON. It was a terrific event and there are too many names to name to recap all of the folks who received it. The young man who won the mentee award was pretty inspiring. He had a sever spinal cord injury. He was supposed to never walk again and he was there as a speaker talking and talking about how important it was for an adult in his life to have given him the courage and determination to overcome that injury. So, it was a terrific evening. I look forward to more people signing up to be mentors to our young people.

**Councilmember Fallon** said I would like to congratulate Bishop Battles Greater Enrichment Day Afterschool Program. It just won the highest award in the state for an afterschool program. It is a five star program by the state which is very unusual to get five stars. It is a program that picks up children, takes them home, waits for an adult, feeds them, teaches them, takes them up in airplanes, gets them out of the neighborhood, plays tennis with them, plays rugby with them, and shows them another life outside of the neighborhood.

Mayor Roberts said that is a terrific award that they have one, and we are going to see if we can invite them here to be recognized as well.

**Councilmember Kinsey** said you may wonder why I am wearing these colors tonight. Not quite Panther's colors are they? Well I had a friendly exchange with Denver City Council District 1 representative Raphael Espinoza. We agreed that whoever lost the game last night would give the winner a shout out, which I am doing, and also wear the winning teams colors. I had a really good conversation with the councilmember. Our districts are much the same. He has an intercity district just as I do and older neighborhoods. The oldest neighborhood in Denver is called LoDo for Lower Downtown Denver, and of course we have NoDa in District 1. He also shared some of my passions, affordable housing and historic neighborhoods. He actually is an architect and he develops affordable housing. So, we found out that we had a lot in common. So, congratulations to Councilmember Espinosa and the Denver Broncos. I also want to congratulate the Panthers. It was so exciting. The last two weeks were really exciting with what they brought to Charlotte. It was just absolutely wonderful. Congratulations to Mr. Richardson and to the coaches, and players. We are awfully proud of you and are looking forward to next year.

**Councilmember Autry** said I would just again like to remind all of our citizens back at home to please observe the speed limits as posted on our streets and roads in Charlotte. Don't speed. We have got to slow down a little bit here in the city. It just makes the whole condition for

everybody too dangerous. We were talking about how we were going to conduct a study to have a more pedestrian friendly and bike friendly environment. Not observing the speed limit does not contribute to that effort at all. I would also like to remind our citizens to please not litter. I am very disheartened from time to time as I traverse streets around the city and see all of the litter that has accumulated on the curbs, sidewalks, and the properties next to the roads. It really does hurt the appearance of the city. Certain sections of the city do not need to have their appearance hurt anymore. Then, I also would like to congratulate the Panthers on a great season. It was very exciting. I think I watched more football this year than I ever do, but now that it is behind us I just want to remind everybody that it is ten days until pitchers and catchers show up. So, the renewal of spring training is just around the corner and this year Cub is the World Series.

**Councilmember Driggs** said I wanted to point out to everybody that this Saturday, the Ballantyne Breakfast Club will host its annual priorities meeting at the Ballantyne Resort. This is a high unusual gathering of elected officials and representative from all different agencies of local government as well as some partners such as Center City Partner, the NAACP, and the YMCA. If you have any issues related to your government, particularly in South Charlotte, you are encouraged to attend. Again, it is this Saturday starting at 9:00 a.m. at the Ballantyne Resort which is at 10000 Ballantyne Commons Parkway.

**Councilmember Austin** said I just want to remind everybody that Sunday is Valentine's Day and we all sacrifice quite a bit for our families and public service and I don't want you to go home and be hurt if you do not acknowledge that Sunday. So, make sure you honor that person that you love or your family members that you love.

Mayor Roberts said every day is a good day for love.

Councilmember Phipps said if you all get a chance, if you go out into the lobby of the Government Center, you will see some art exhibits by some employees of the city and county as well as some students. I was very impressed with the quality and the talent that some of our city and government employees have in terms of artistic, it is phenomenal. Some of them are for sale. If you go out there I think you would be very mesmerized by the talent that is on display. I even tried to get a candidate for the Arts and Science Council for my district among those but I could not find out who they were. So, encourage you right in the lobby.

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#### ADJOURNMENT

Motion was made by Councilmember Mayfield, seconded by Councilmember Smith, and carried unanimously to adjourn the meeting.
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The meeting was adjourned at 8:52 p.m.



Emily Kunze, Deputy City Clerk

Length of Meeting: 3 Hours and 27 minutes  
Minutes Completed: February 25, 2016